

US EPA RECORDS CENTER REGION 5



401398



PAMELA ZEKMAN



HARLAN DRAEGER



CLAUDIA RICCI



TERRY SHAFFER



PAUL GALLOWAY

This series—"Our Toxic Time Bomb"—is the result of six months of investigation throughout Illinois by a team of Sun-Times reporters. The se-

ries, highlighting the growing environmental danger of dumping chemical wastes, was reported by Assistant City Editor Paul Zekman and re-

porters Harlan Draeger, Claudia Ricci and Terry Shaffer. Today's articles were written by Special Writer Paul Galloway.

11/9/80

Sunday Sun-Times

Chicago, November 9, 1980

★★★★★
Final
75

Our toxic time bomb *'The horror story of the '80s'*

by Pamela Zekman and Paul Galloway

Copyright, 1980, Chicago Sun-Times

Something terrible was happening to the Marvin Johnson family, and for a long time they were puzzled. It was as if they were being poisoned by some mysterious, harmful source.

Chemical wastes—the by-product of the good

FIRST OF A SERIES

life provided by an industrial society—poisoned the Johnsons by contaminating their well water. But it took 10 years for them to learn this, as state, federal and county environmental protection agencies dawdled and a court order went unheeded and unenforced.

The danger of chemical wastes to our nation's

health by polluting a vital natural resource—our groundwater—is growing. One federal official calls the problem “the environmental horror story of the 1980s—with after-effects reaching into the next millenium.”

Many already have been warned: Don't drink the water. Many more of us may someday hear

Turn to Page 8

Chemical hazards spreading

Continued from Page 1

the same words unless we take action soon and on a monumental scale.

The Marvin Johnsons finally were forced to quit drinking their water when their growing fears overcame the bland assurances of the agencies that were supposed to safeguard them, and they became convinced their well was contaminated by seepage from a dump on a neighboring farm.

By then, it was too late for Donald, the youngest of the four Johnson children. He was tormented with searing headaches from the age of 6 and dropped out of school at 14.

His mother, Violet, suffered breathing spasms and pain so severe that she often had difficulty just washing the dishes. A Johnson daughter, Elizabeth, a victim herself, now has a 3-year-old daughter, who developed a bleeding ulcer when she was 6 months old.

The plague that settled on the Johnson family in 1966 seemed especially inappropriate to their 240-acre family-owned farm near Rockford, a picture of healthy living, far away from such urban woes as pollution.

Often, however, cities haul some of their problems out of town and dump them in the countryside. This is the case with chemical wastes and the Marvin Johnsons.

Millions of Americans are just as vulnerable to chemical poisoning as the Johnsons. An

official of the U.S. Environmental Protection Agency recently testified at congressional hearings that more than 100 million Americans who get their water from wells may face the threat of consuming "unhealthy chemical runoffs from industrial wastes."

While Illinois is considered to have one of the best records

• The potential danger is enormous. Illinois, with an estimated 3.8 million tons, is second only to Ohio nationally in the total amount of hazardous waste generated each year. More than half of these wastes are stored on company sites that never have been inspected, according to the state EPA. Much of the rest is dumped illegally.

• The problem is overwhelming, and growing uncontrollably. There are currently as many as 6 million man-made chemicals, and between 3,000 and 5,000 new ones developed each year. Two years of testing generally are required to determine whether a chemical is hazardous, and only a fraction of the compounds have been studied. Says one EPA toxicologist: "We are way the hell behind, and I don't think we can catch up for 50 or 100 years."

• Filing cabinets at enforcement agencies are crammed with reports about illegal waste operations that have gone unchecked for years. The agencies empowered to protect our environment seem paralyzed by administrative incompetence, bureaucratic indifference and conflicting laws and regulations. The lack of enforcement frustrates even the inspectors. In one case, which had dragged on for five years, a harried inspector wrote in a memo to a state lawyer: "I hope you bring some order into the chaos, before this [dump] destroys the planet."

This series will show how chemical wastes jeopardize our health. It will include an inside look at how illegal dumpers profit while they pollute; at the statewide scandal of hundreds of hidden environmental time bombs, and the story of victims like the Johnsons.

For the Johnsons, some of the early signs appeared in 1966 in their pets and livestock.

There was the cow whose milk tasted like medicine; its calf, which acted crazy, eventually convulsed and died. There was the sow with the two dreadfully deformed litters. There was the brood of chicks hatched with sightless eyes, twisted breasts and stunted legs. There was a canary that stopped singing, gasped for breath and died. And there was a once-healthy gerbil that trembled uncontrollably until its death.

The veterinarian couldn't figure out what was wrong, Violet Johnson says. "It just never dawned on us that it was the water."

It was after the family's health began to deteriorate that

Turn to Page 38



Well test kills bird

Continued from Page 8

they made the connection with the water from the well.

All of the members of the Johnson family were plagued by physical ailments that were gradual, relentless, baffling and debilitating.

From 1966 through 1972, the Johnsons experienced bouts of nausea, dizziness, sore throats, severe cramping, intense headaches, unsightly rashes, involuntary drooling, listlessness and speech difficulties.

The illnesses caused the younger children to miss so much school they have had to repeat grades. Johnson, nominated in 1963 as "outstanding farmer of the year" by the Rockford Jaycees, was unable to farm as his ailments worsened; one year his earnings dwindled to \$600.

The family occasionally was alarmed by the smell of chemical solvents from their 38-foot-deep well, especially after heavy rainfall.

"The worst part of illness from pollution is that it creeps up on you," says Violet Johnson. "You don't realize what's happening until all of a sudden it hits."

"We knew for sure in the spring of 1972," Marvin Johnson says. "We got the first heavy rain and a few days later we got the strong taste and odor in the well water. It tasted and smelled just like the dump back there."

The dump back there was three-quarters of a mile away on the adjoining farm of Walter Tipton.

The Tipton farm became a favorite garbage can for some Rockford area industries, which, in the course of production, end up with some very disagreeable chemical crud.

These industries—mainly paint and chemical companies—would pay a waste-disposal company to get rid of their chemical leftovers. And some of them would pay Tipton to dump or store the stuff on his unused land.

It was illegal but expedient. After all, the nearest legal dump for these kinds of chemicals was 100 miles away.

When the Johnsons concluded that the chemical junk dumped on the Tipton farm was seeping into the earth and contaminating the ground water that supplied their well, they began to fight.

They had to start from scratch. With a limited education and no knowledge about chemical pollutants, they began to teach themselves about the toxic substances. They read scientific textbooks; they conducted experiments.

They sought help from county and state agencies created to protect them, and in rare instances they received it. But mostly they endured maddening bureaucratic indifference, inaction and ineptitude.

"If you were 10 families, we could probably help you," a state EPA official once told Violet Johnson. "But you're only one family. One family doesn't count."

On Nov. 21, 1972, the Johnsons finally took their battle to the courts, filing a \$1 million lawsuit against Tipton and the Valspar Corp., a paint manufacturer.

Valspar and Tipton won the case, arguing that the Johnsons had insufficient direct evidence linking Valspar's chemical wastes with their ailments, and the jury agreed. The Johnsons are appealing the case.

Some may see their struggle as heroic; others may find it quixotic and futile. But there are lessons in the saga of the Marvin Johnson family for all of us.

The U.S. surgeon general, in an August report, said exposure to toxic chemicals is a "major and growing public health problem" that is "adding to the disease burden of the United States in a significant, although yet ill-defined way."

What follows is the story of a family's ordeal to understand what was happening to them and to do something about it.

It will make you wonder if we are intelligent enough and committed enough to keep from poisoning ourselves.



MARVIN JOHNSON (right) with Violet, Donald, Fred, Jennifer and Elizabeth. Most of them suffer from chemical poisoning.

The Dump: In 1961-62, Marvin Johnson notices wastes burning on an old limestone quarry dump site at the Tipton farm. Tipton is burning the contents of barrels, which he later sells. Some of them come from the Essex Wire Co., whose wastes contain phenols, a hazardous substance that can cause belly-aches. Phenols later are found in the Johnsons' well.

The Scavenger: In 1975, Robert Bell, an independent hauler, tells the state EPA that in the late '60s he dumped waste from 300 barrels at the Tipton site after being paid \$1 a barrel.

Valspar Corp., a paintmaker, is one of his clients. At the trial, Bell testifies that he first took the Valspar drums to the Tipton farm for "temporary storage" after the Rockford city dump refused to take the waste in 1971.

Government Inaction: On March 25, 1969, the Winnebago County health department warns Tipton that a county ordinance prohibits disposal of such "rubbish deposited" on his farm and asks that "this condition be eradicated by June 26, 1969."

Six months later, the state EPA first cites Tipton for operating an illegal dump that has fifteen 55-gallon drums of chemical wastes and other trash on the site. It was an exercise that would be repeated again and again for the next five years without results or enforcement.

In May, 1972, Marvin Johnson complains to the state EPA's division of water pollution, and inspector Gerald M. Kehoe responds to the complaint.

Kehoe finds 308 to 500 full or partially full barrels, many containing paint wastes, that were open, tipped over, spilled and leaking and seeping into the ground. Barrel samples contain aluminum, chromium, copper, magnesium, zinc and lead.

He also takes samples of water from the Johnson well, which disclose no abnormal concentrations of metals. At this time, however, the state's testing equipment is incapable of detecting minute amounts of toxic substances now known to be harmful.

Only 20 percent of the barrels, Kehoe says, have labels that can be read. They are from the Valspar Corp.; Midwest Synthetics, a Valspar subsidiary; Ashland Chemical and Union Carbide. Other drum labels indicate they contain three hazardous chemicals: vinyl toluene and methyl ethyl ketone, which are known to be skin irritants, and adipic acid.

Lead settles in the bones and in the brain tissue. Says Joe Prince, a toxicologist for the federal EPA: "People who are ordinarily sharp can turn into dullards because of its depressing effect on the nervous system. People have gone half-mad after long exposure to lead."

Twice in 1972, the EPA threatens to file a complaint against Tipton before the Illinois Pollution Control Board. It doesn't.

On Oct. 4, 1972, the county health department gains a court order requiring Tipton to remove the barrels and cease operating a landfill without a permit. In the next month he covers the limestone quarry, but there are still 200 drums of liquid wastes that the EPA wants him to remove.

The state has no idea what Tipton has buried in the quarry, which is 100 feet in diameter and 10 feet deep. Three years later, an EPA memo notes that it was extremely unsuited for a landfill, particularly if toxic wastes were dumped.

Despite the court order, state inspection reports document the continued presence of barrels along a hedgerow on the Tipton site between 1972 and 1975. During the next three years, Tipton repeatedly assures the EPA he will remove the barrels, and his patient pen pal, the EPA, is pleased. In an exchange of letters, the agency writes, "We certainly look forward to hearing from you when this work has been completed."

Meanwhile, the state public health department suggests that the Johnsons build a new well. The present well, it says in a 1973 letter, is badly constructed and located near a septic tank, and an analysis indicates "unsatisfactory presence of bacteria."

The Johnsons' well may be contaminated by runoff from septic tanks or fertilizer, an EPA supervisor later notes. But additional evidence convinces him otherwise.

The Parakeets: The Johnsons had stopped drinking water from their well in 1972, convinced it was causing their ailments. But none of the tests performed by the state backed them up. In March, 1973, they buy two parakeets to use in an experiment conducted with the help of a toxicologist.

One bird gets water from the well, and the other is given bottled water. In three days, the bird drinking well water has difficulty breathing; the other bird is fine. The water is switched. The sick bird improves; the other becomes ill.

After a second change of water, the parakeet getting well water starts to tremble; its legs become scaly. "Anytime you saw that bird, day or night, it would lift one leg, then the other," says Violet Johnson. "It would fly against its cage like it was going insane. Finally, it got so weak it just laid on the bottom of the cage and died."

A toxicologist performs an autopsy and finds a mercury content 30 times higher than normal for domestic fowl.

The Johnsons Fight On: On Jan. 7, 1974, the Johnsons' fears finally are confirmed—by a private company they have engaged on their

own. The Erickson Chemical Co. in Northbrook, unlike the state, has waited until after a heavy rain to do its testing. The Johnsons had noted that the water had tasted its worst after a big storm.

Rudolph T. Lohrer, an Erickson chemist, recalls the sample: "I could smell the stuff in the water, the water was discolored and the state was telling me there was nothing there."

The water, he reports, "reveals a probable source of health problems to animals and humans." The mercury in the water is four times the allowable limits set by Illinois and Chicago standards. Lohrer finds. Mercury is found in paint pigments.

Lohrer also discovers a plasticizer called diethylphthalate (DEP), which convinces him that the Johnsons' well water is "being contaminated by some outside source not natural to a farm environment." Experiments have shown that such chemical "phthalates" may result in neurological disorders.

In the spring of 1974, the Johnsons spend \$5,000 to drill a new, 300-foot well. Tests later show traces of mercury in that water.

Another Johnson Enters the Case: On Sept. 23, 1975, Dennis Johnson, a new state EPA supervisor and no relation to the Johnsons, visits the Tipton farm. He has just read the Johnson file for the first time and is immediately alarmed by the case.

Dennis Johnson takes samples from the Johnson well, neighboring wells and from leaking barrels on two Tipton sites—one at the old quarry and one at a hedgerow. The state EPA lab in Chicago finds traces of phenols, a hazardous substance, in five of the wells.

But 15 barrel samples are not analyzed. Dennis Johnson learns, because his division had exceeded its monthly, 10-sample quota. As a favor, however, a lab employee tests some samples and finds 12 types of phenols, but he never writes a report because of the quota, Johnson says.

Roy Frazier, head of EPA's Champaign lab, admits that officially no tests were made and no record of them exists. But he denies that a quota system is used. He explains that the lab probably wasn't equipped to perform the tests.

Explicitly, the state lab does analyze barrel samples from the same site taken by the Winnebago County health department. Phenols are found, and the concentration in one barrel is great enough to kill 25 adults, Dennis Johnson reports.

Don't Drink the Water: The Marvin Johnsons, convinced by Dennis Johnson that they are being poisoned by chemicals in the water from both their wells, move to a new farm in 1976.

That year, the family also receives proof from two physicians that their illnesses are caused by mercury, lead, cadmium and other metals. They finally begin medical treatment—years after their exposure to the chemicals began.

Also in 1976, Dennis Johnson quits the EPA in frustration, leaving behind a seven-page memo, urging "immediate enforcement ac-

Turn to Page 39

Monday—The state's uncharted wastelands



Cathy couldn't walk...

Continued from Page 38
tion" against Tipton for "flagrantly" operating an illegal and hazardous landfill.

Johnson's memo is ignored. No action is taken.

The Trial: The Johnson lawsuit against Valspar and Tipton goes to trial in May, 1980. The family is seeking \$1 million in damages, but it's a case they are destined to lose.

The suit charges that the contamination of their water supply by wastes dumped at the Tipton farm between 1963 and 1973 "constituted an ultra-hazardous activity."

Valspar, the suit asserts, demonstrated "reckless disregard for the safety and protection of human beings" by failing to determine where the hazardous waste was being disposed.

Valspar attorney Eugene Pigatti argues that Valspar's wastes could not have been responsible, because the Johnsons' ailments began before Valspar barrels were dumped at the Tipton farm.

Tipton's attorney, Robert Coplan, argues that the EPA tests failed to show that the Johnsons' water contained chemicals that affected their health.

The Johnsons' attorney, Bernard Reese, says the case proved there was mercury in the barrels, mercury in the water and mercury in the Johnsons, documenting a case of chemical poisoning.

"This stuff can come in trace amounts and build up over the years," he says. "The symptoms were discovered several years after the dumping began. Tying the ailments to the contamination and the contamination to the dumping and the dumping to the source is almost impossible from an evidentiary standpoint."

What does the jury think?

Some don't even think the Johnsons were sick. After all those treatments "they sure didn't look ill to me," says one juror.

Says another: "Some of us were of the opinion that Valspar was definitely guilty, but the proof was missing. To me, it was neglectful all around. But two or three of the men on the jury—the company men—said they worked for companies and that it was normal procedure to hire scavengers to haul away the wastes. Where it goes is up to the scavenger."

Post-Mortem: Dozens of experts interviewed after the trial found problems with the Johnsons' case—one of the first of its kind:

- An inadequate response by state and county agencies to the Johnsons' first complaints meant that crucial evidence was not gathered early enough. Testing equipment was not sophisticated enough to do the job. When samples were taken



MISSY, 3, a Johnson granddaughter, developed a bleeding ulcer at 6 months.

many were never analyzed by the state EPA lab.

- Some of the Johnsons' expert witnesses were forced to equivocate on major points. A geologist testified, for example, that the chemicals could have traveled to the Johnson farm from Tipton's, but they could have traveled in other directions as well. A geological study to document the groundwater flow would have cost \$10,000.

- There was incomplete information about hazardous wastes. Phenols were not listed as hazardous by the federal EPA until after the trial; thus, an expert witness had to testify that phenols were not classified as hazardous.

- Because Valspar was the only manufacturer named as a defendant in the case, evidence was limited to the period after 1971 when Valspar drums first appeared on the site. But records showed dumping had begun a decade before, that other companies were involved and that the ground still is saturated with chemicals.

But the biggest irony was the evidence that emerged after the trial—evidence that the jurors never heard.

They heard a family currently living at the old Johnson farm testify as defense witnesses that they had not suffered any ailments. But the defense chose not to call the Royal Backes family, who lived on the farm immediately after the Johnsons. Unfortunately, the Johnsons' lawyer did not learn about the Backes family until after the verdict.

Royal Backes, 33, and his wife Gail, 31, lived on the farm for more than a year, beginning in 1976. They drank the water, despite its smell, after tests concluded it was safe for consumption.

There was an unexplained irritability and tension among the family members, a tension that turned mother against son

and daughter against daughter, say Mrs. Backes.

There were bellyaches, headaches and sore throats, unexplained learning difficulties in school. Tiana, the family's Irish setter, suddenly died of blood clots in her stomach.

The hardest hit was a Backes daughter, Cathy, 8. One morning she dragged herself into her parents' room unable to walk. Doctors first diagnosed it as a bone disease and then as advanced arthritis.

"Her knees locked, her elbows locked, she bent over from the waist," Mrs. Backes says. "She couldn't hold herself up straight." The Backes family now wonders if the water caused some of their problems. They are taking tests to find out.

Today: Robert Bell, the scavenger, no longer hauls hazardous wastes. "The EPA got too tough and said we had to take it 100 miles to Chicago," he says. "That's too far to bother with."

Farmer Tipton doesn't use his farm as a dump site. As to the Johnson suit, he says he was "just a poor farmer caught in the middle. They were after that paint company and all its millions."

Valspar says it will comply with regulations that now make companies responsible for where their wastes are dumped. "We assumed the wastes were going to an approved site," says a Valspar official. "At the time of the incident, there were not the same restrictions there are now. Whenever these situations are called to our attention, we want to correct it."

The EPA still is waiting for Valspar to remove 800 of its barrels stored for at least six years at an old salvage yard in Franklin Grove, Ill.

The Poison Remains: Two weeks before the trial, Dennis Johnson took a sample of gelled paint resin from the shallow pit on the Tipton farm where, more than eight years ago, waste had been dumped and covered with soil.

Johnson said tests showed it contained hazardous phenols four to six times above acceptable standards for safe drinking water.

"The judge wouldn't let this into evidence," Johnson recalls. "That's the kind of legal ineptitude involved in a case like this."

Whenever Violet Johnson hears that a family has moved into her old house, she warns them about the well and the poison buried on the adjoining land.

"We've seen on television about the Love Canal [in New York state]," she says. "We had the same symptoms as the victims there. They make these laws about dumping, but they don't have much concern about enforcing them."

And, says Violet Johnson: "The sad part of all this is that the dump is still out there, and it has been covered over. The poison is still out there."

(5)

11-9-80

Disposal problem at Sun-Times

Field Enterprises Inc., which publishes the Sun-Times, has had its share of problems disposing of industrial wastes.

Four times since mid-1977, the company has been cited by the Metropolitan Sanitary District for discharging high levels of contaminants into the sewers.

Excessive lead concentrations from the etching of Sun-Times printing plates figured in all four violation notices. Other problems involved high levels of nitric acid, copper and oily wastes.

Field hired independent experts and

undertook steps to capture and neutralize the substances causing the problem. However, a larger holding tank was needed to prevent overflows of etching wastes, skim oil and control acid. A new lead filter system also was required. The new system is being installed.

By next March, the Sun-Times plans to switch to an entirely new plate-making system that will create no lead or acid etching wastes.

Stanley Whitebloom, industrial waste coordinator for the Sanitary District, said that the Sun-Times did

not present "a real serious problem" except for one lead sample 200 times the allowable limit.

"You can't shut down the paper for something like this," he said. "To resolve these things and keep business in business takes time."

Whitebloom said that, if the Sanitary District thought the Sun-Times was making no progress toward correcting the problem, it would have moved from conciliation hearings into another stage leading to court action.

"Obviously, we believed there was progress being shown," he said.

A poisoned family— their story

The six members of the Marvin Johnson family have undergone five years of medical treatment to rid their bodies of chemical poisoning.

"I'd like to let people know that there is help," said Violet Johnson, the mother of four. "We've been hurt, and we probably never will get back the way we were before. But we are thankful we are as good as we are."

"I think I cried a bucket of tears for our children and their education and their illnesses. You can't understand it unless you go through it yourself."

The family went to dozens of specialists, none of whom could diagnose what was wrong. Finally, in 1976, Dr. Ann Reynolds of the University of Illinois, analyzed hair and nail samples from each member of the family.

"We found elevated methyl-mercury levels in the blood in three of the family members," she said. "The amounts were the highest I have seen in a Midwestern population."

"Over time, mercury settles in the bones and even small dosages can build up there and have a significant health effect."

Some of the effects of mercury poisoning on human beings, according to the U.S. surgeon general, are drowsiness, difficulty in concentrating, nervousness, burning eyes, painful mouths, rashes and tremors, numbness, muscular incoordination, blurred vision, difficult speech, intellectual deterioration. The Johnson family exhibited all of these symptoms.

Dr. John H. Olwin of Skokie, a surgeon who has done research on metal poisoning, next examined the Johnsons, finding high levels of lead, arsenic and cadmium in their urine.

Olwin and Reynolds said the levels of toxic metals would have been higher had they been measured at the time the symptoms appeared.

Donald, the youngest of the Johnsons, has the most lead in his urine, nearly three times greater than the acceptable amount.

Now 16, he is thin, pale, withdrawn. His mother, referring to a diary she kept of the family's miseries, talked about her youngest child, occasionally breaking into tears:

"Donald was a healthy baby, but when he was 9 [1971], he began to get sore throats all the time. Then, he developed pains in the heels of his feet. These metals would settle in certain places," she said. "He had difficulty walking. One time he walked up the stairs and hollered he had a pain in his back. He'd stiffen up and he couldn't move."

There was a chronic inner-ear infection, rashes believed to be allergies, a bald spot on the back of his head, his speech began to slur. But the headaches were the worst.

"HE HAD SHOOTING pains down in his neck and up his head and out into his ears," his mother said. "He would come in, lie down, take a pillow and put it on top of his head to cover up. He just didn't know what to do."

He had two abnormal brain scans, but doctors found no evidence of brain damage. However, a clinical psychologist reported Donald was a "slow-moving youngster" who was "tending to withdraw emotionally within himself."

Donald missed months of school at a time, had to repeat fifth and sixth grades and dropped out of school at age 14.

In Donald's urine there was three times the acceptable levels of arsenic, 1.5 times the acceptable limits of copper, and

and cadmium in her system.

Marvin Johnson, now 49, first began to experience a "tired feeling" and headaches in 1967. His genitals occasionally would swell; he had chest pains and felt dizzy through the summer of 1972.

The symptoms got worse. His vision blurred and, like the rest of the family, he drooled involuntarily. "When we woke in the morning, our pillows would be wet," Violet Johnson said.

The ailments continued. He couldn't sleep: "I would lay there and get chills and just shake all over . . . maybe two or three hours sometimes."

He couldn't work: "A lot of times I'd be out working and I'd have to come in and lay down, my head and my heart would be hurting so."

Olwin found that Marvin Johnson had 3.5 times the normal level of lead in his urine.

Rebecca, now 24, and Elizabeth, now 22, both suffered from abdominal pains, headaches, mouth sores and general listlessness. Rebecca missed 75 days of school in one year. Olwin found her urine contained arsenic levels 14 times the acceptable levels.

Elizabeth missed 65 days of school one year and had to repeat seventh grade. Her urine contained 1.7 times the normal limits of lead.

ELIZABETH'S DAUGHTER, Missy, now 3, suffered from a bleeding ulcer when she was 6 months old. Doctors said it may have been related to Elizabeth's toxic poisoning.

Olwin said he assumed that the lead and other metals (which were never tested for) caused the family's ailments. "The circumstantial evidence is very convincing," he said.

Each member of the family has had a program of three-hour chelation treatments in which a chemical—ethylene diamine tetracetic acid—is transfused through the body. The chemical pulls the metals from bones and tissues and eventually is excreted in the urine.

After 20 sessions each, Violet and Marvin Johnson have completed their last treatments.

Some metals remain in their bodies, and it is possible they never will be rid of the poisons.

Said Marvin Johnson: "They say you could have effects from these chemical poisons for years afterwards. We just don't know."

five times the acceptable limits of lead. Olwin found.

Fred, now 26, was a healthy baby. At age 13, he missed 74 days of school from bouts with stomach pains and rashes. Reynolds found mercury in the blood. Olwin discovered arsenic levels 1.3 times the acceptable level and twice the acceptable levels of lead.

Violet Johnson is 64 now. Until the late 1960s she said she was "feeling fairly well," even driving a tractor on the farm until 1966. Then she began "feeling tired" all the time.

In 1974, she recalled, "My lip, cheek and jaw would swell quite large, and I would lose my voice. It got so bad I was embarrassed to teach Sunday school." Her wrist also would swell and itch, and there were burning pains in her chest.

"I had numbness in my hands, frequent headaches, neck pains and trembling in the legs," she recalled. "I'd get chills. I thought it was because of my age, but then Marvin got it. The whole bed would tremble, and I couldn't even lay in bed."

Olwin found more than twice the acceptable limit of lead



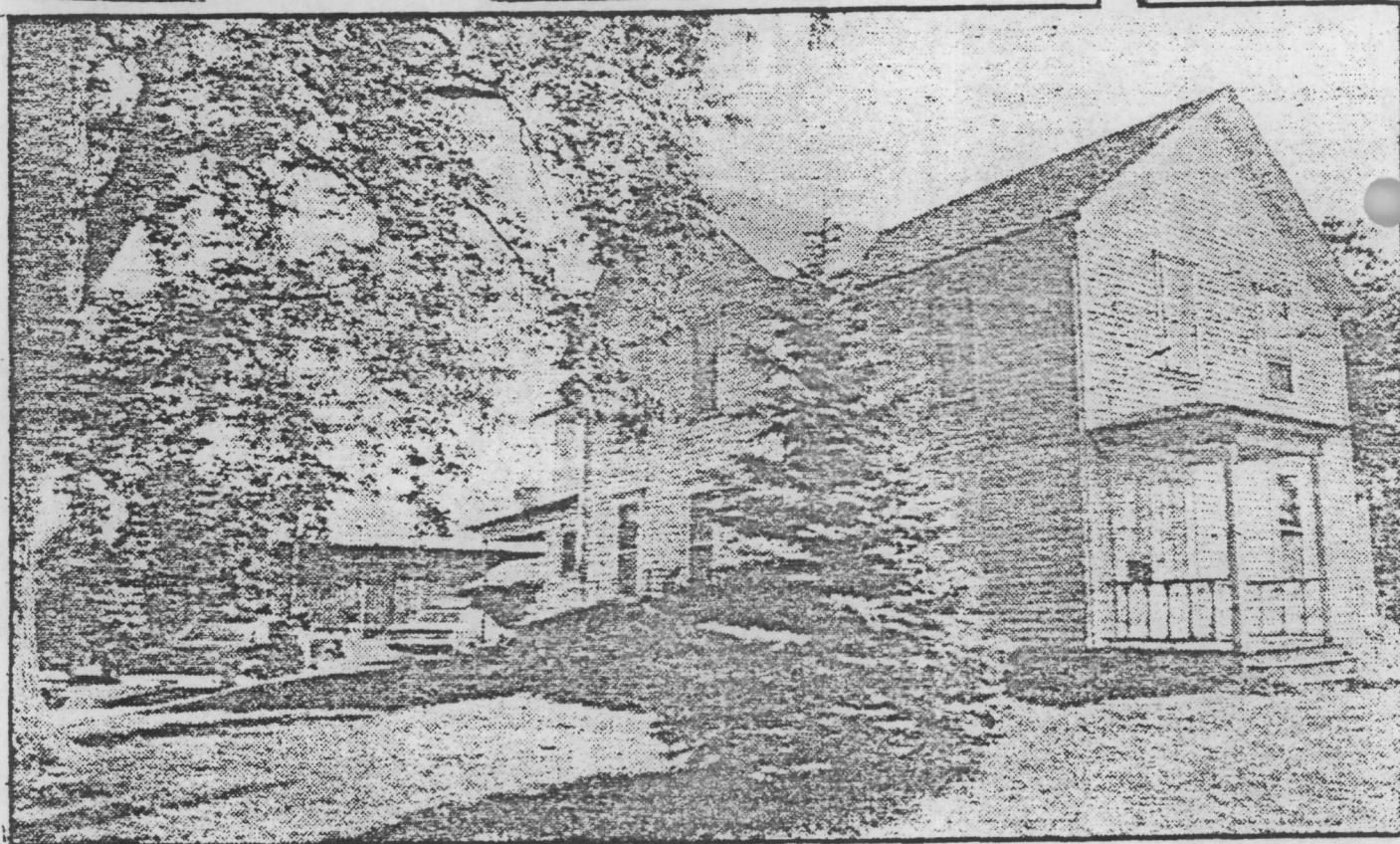
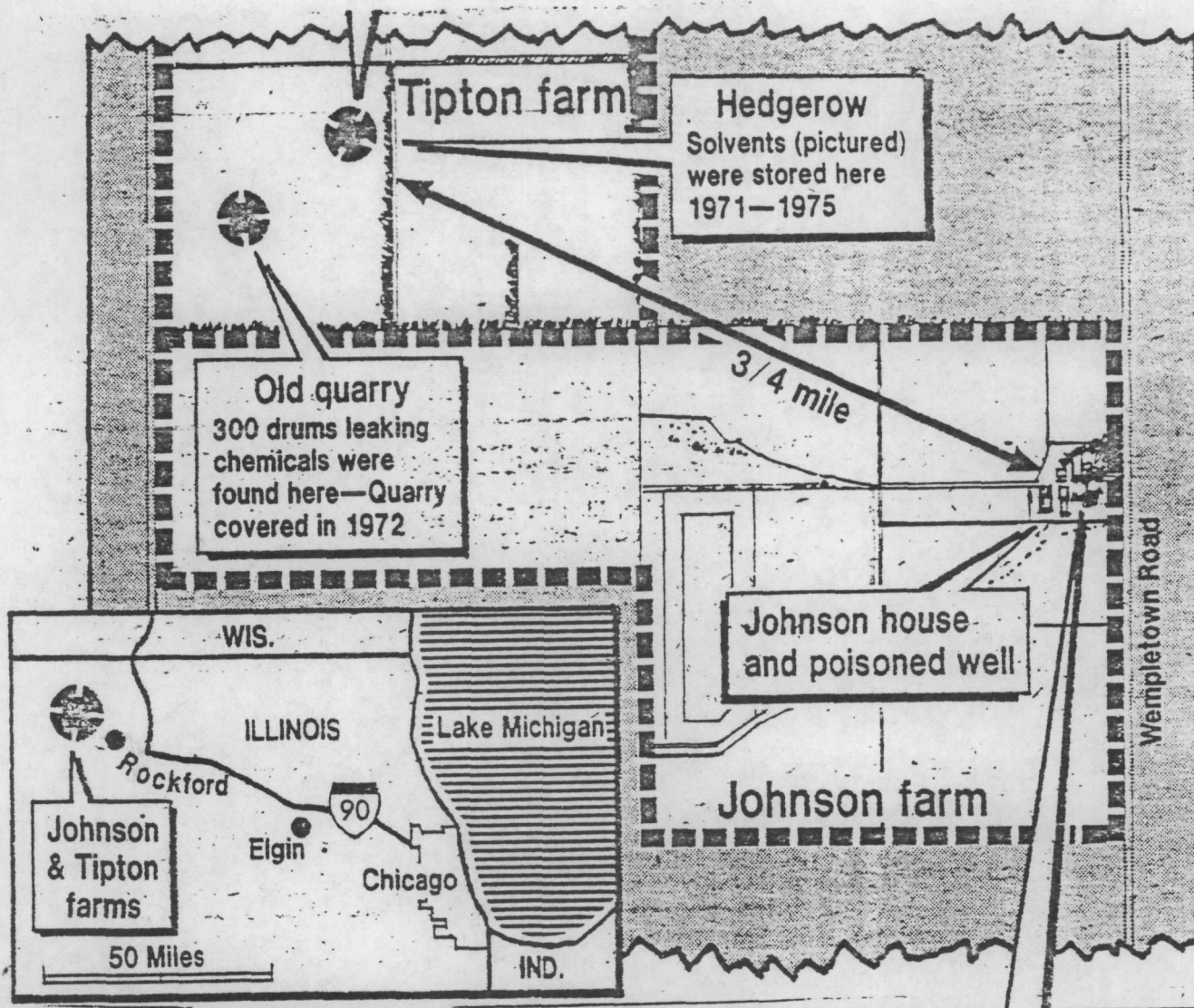
VIOLET JOHNSON: "I cried a bucket of tears."



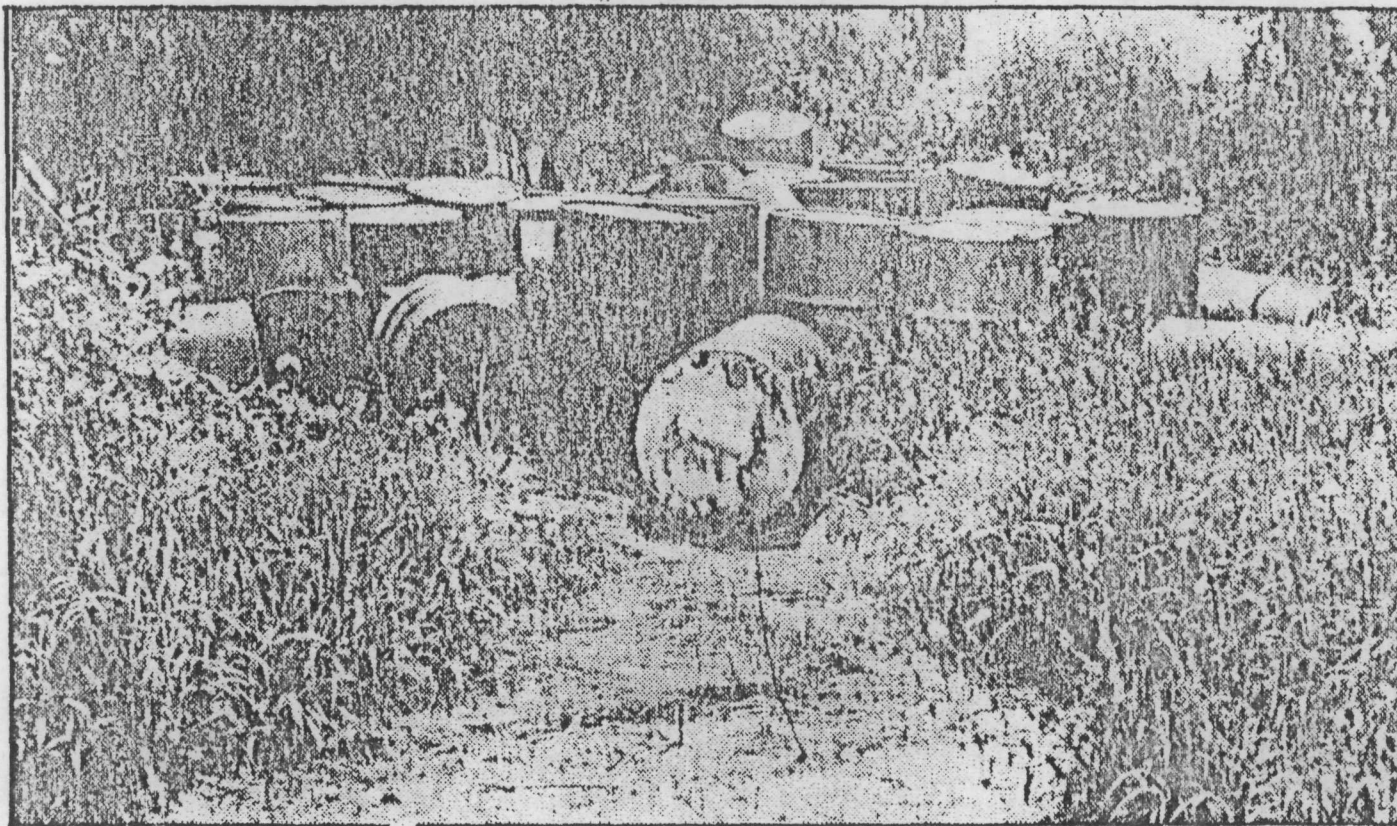
DONALD JOHNSON: Pain, agony and too much lead.

MARRIED 1953 HEALTHY. NO PROBLEMS
 1967- headaches, Tired Feeling
 1968- headaches, Aches Tired
 1969- headaches Tired Lousy Feeling
 1970- headaches Tired Pains
 1971- headaches, Chills Trembling
 1972- Private Organs Swelled, Chest Pains, dizzy All Summer.
 1973- Chest pains, dizzy, swelling, drooling, Trembling, eyes blurring.
 1974- Private Organs enlarged. Trembling, headaches.
 1975 Saw Dr. Osedgen & Dr. Taylor.
 1977 headaches, Trembling, Couldn't Sleep, Albumin in Urine, difficult voiding.
 November. First Chelation Treatment. Dr. Blwin.
 1978 Chelation Treatments. Tumor of Urine Tract. Thought to be Cancer. Dec. had surgery.
 1979 Plastic Surgery of Urine

MARVIN JOHNSON displays chemical samples. At right, portions of a family health log. (Sun-Times Photos by Anthony Sus



9
Sunday Sun-Times, November 9, 1980



Sun-Times

☆ Chicago, Monday, November 10, 1980

The state—partner to peril

By Pamela Zekman and Paul Galloway

Copyright, 1980, Chicago Sun-Times

Hundreds of illegal dump sites, which the State ordered covered with soil even though they may contain dangerous chemicals, are scattered throughout Illinois. But state officials don't know where all of them are.

Between 800 and 2,000 sites were blanketed with two feet of earth in a statewide campaign in the 1970s that was designed to eliminate "unsightly and inexcusable sources of pollution" caused by the open burning of garbage at illegal dumps.

A later inquiry showed hazardous chemicals also

SECOND OF A SERIES

were buried in the dumps, threatening water supplies.

One of the worst was a 10-acre cancer of waste near tiny Byron, 12 miles southwest of Rockford.

Often at the Byron dump, nearby streams ran as red as a mixture of rust and blood, but it wasn't until five of Joe Brannum's cows died that it became obvious that the state's "coverup" campaign hadn't done the job.

The story of Wilford Johnson's illegal dump near

Byron is a bewildering chronicle of how the state of Illinois, through naive enthusiasm, became an accomplice in pollution.

"The state does not dispute its contribution to this unfortunate incident," an assistant attorney general told a court during the prosecution of Johnson for his unlawful dumping of chemical filth.

There is evidence that the state Environmental Protection Agency, embarrassed by its involvement in pollution, withheld evidence that might have helped the attorney general prosecute Johnson.

The prosecution of Johnson itself seems another

Turn to Page 6



Illinois led U.S. in covering dumps

Continued from Page 1

instance of futile, bureaucratic nonsense, for the state is trying to make Johnson clean up his mess even though it is aware that he is broke, ill and may no longer even own the land.

The state's case against Johnson has dragged on for six years. "With all the money the state has spent on taking me to court," Johnson says, "it could have cleaned up the dump."

One estimate puts the cost of the cleanup at \$280,000, and a look at the investigations, legal files and court appearances indicates he's probably right.

If the case of the Byron dump were an isolated incident, it might merely evoke anger, astonishment and a sense of relief that the damage can at least be corrected.

BUT THERE ARE many more Byrons throughout Illinois, and one big problem for the state is finding them. There is no master list, no master map.

"I've been trying to get a list for more than a year and haven't found one," says Rauf Piskin, a state EPA geologist in charge of locating the dumps.

He has selected 10 dumps for testing but has examined only four. Each reveals chemical contamination, and, in two cases, local water supplies that are polluted and unfit for drinking.

The term "coverup" in this fiasco is not only a figure of speech. The Illinois EPA, with the uninformed zeal and encouragement of the federal EPA, mounted a campaign, from 1970 to 1975, to cover dumps—legal and illegal—with two feet of dirt.

Thanks to what enthusiastic state officials dubbed the "Close-and-Cover" campaign, Illinois led the nation in dumps buried in the ill-conceived crusade.

But a two-foot layer of earth couldn't stop the invisible chemical contamination of subterranean groundwater, the drinking source for hundreds of thousands of people throughout Illinois.

"The state of the art in the early '70s was, 'Quit what you're doing and put two feet of dirt on it,'" says Ross Craft, manager of program development for the state EPA, who estimates the number of potential Byrons at 1,200.

But Piskin says that between 1,500 and 2,000 dumps were buried during the "Close-and-Cover" program.

"Around 1975, we realized that many of these sites had been taking in more than solid garbage," Craft says. "They were taking in liquid wastes, too. By that time, more than 1,000 sites had been covered."

STATE EPA DIRECTOR, Michael Mauzy, whose estimate of 800 covered dumps is the lowest, agrees that the Byron dump so far is the worst known site. "Byron," he says, "is not exactly a case I'm proud of."

Mauzy explains that the jurisdictional conflict between the EPA's land and water divisions contributed to delays in prosecuting the case. "We're a little better on that stuff today than we were then," Mauzy says. "We've learned from our past mistakes."

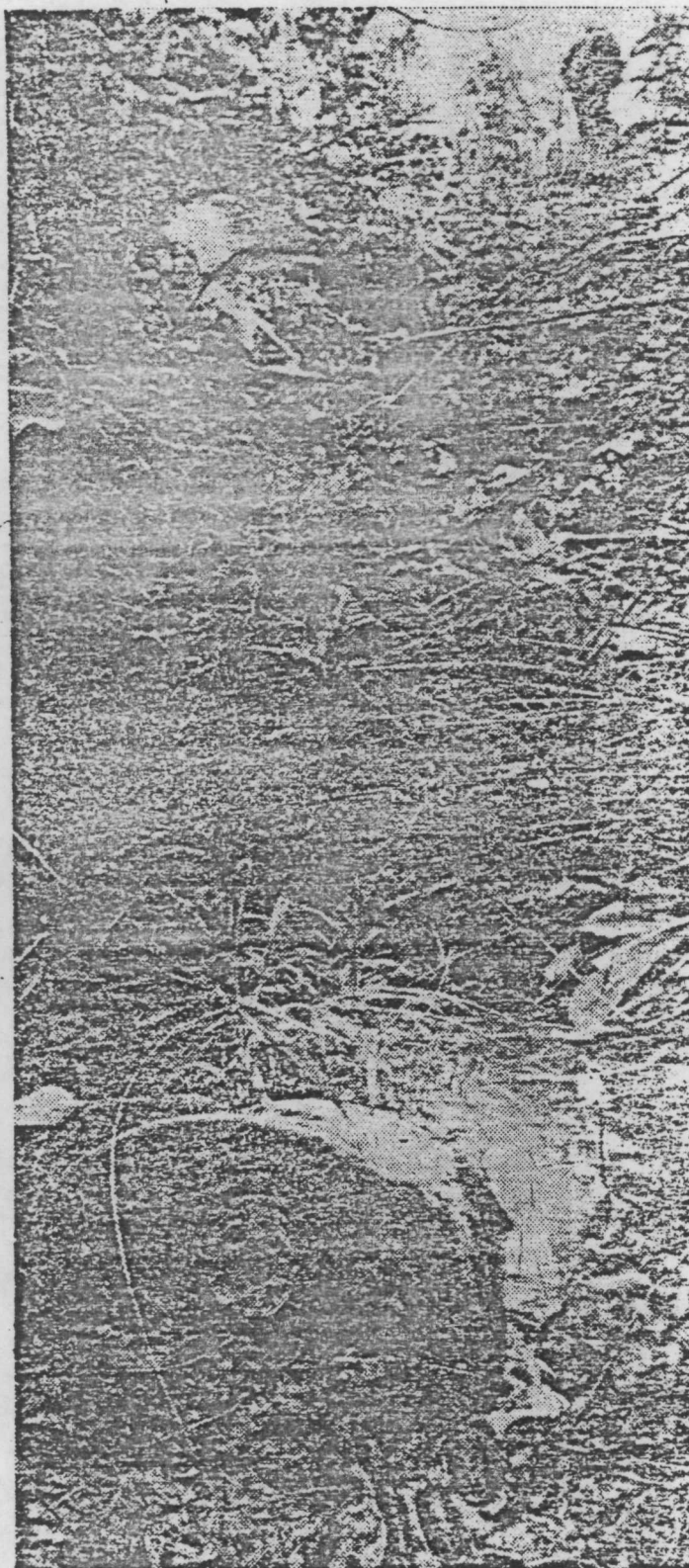
A look at the case of the deadly Byron dump finds former operator Wilford Johnson to be, at once, the villain and victim of the piece.

Johnson was guilty of illegal dumping. But, in an astounding twist of logic, the state today also finds itself prosecuting him to get him to undo what it told him to do in the first place.

In at least 10 warning letters from the EPA, he was told to cover the debris at his salvage yard—debris that included barrels of cyanide. He finally complied and even got a letter commending him for his cooperation. In 1977, the state changed its mind and ordered him to dig up the dump and get rid of the buried chemicals.

The poison remains today on land marked with a sign saying, "Enter at Your Risk." And Johnson is mad.

HE STILL LIVES in Byron, the yard of his home littered



BARRELS that once contained chemical wastes can still be found at the side of a ravine at the old Byron salvage dump near Rockford. (Sun-Times Photos by Perry C. Riddle)

with junk. He answers a knock at his door by shouting, "If you're from the EPA, you can't come in!"

But a reporter is welcome. A heavy-set man who sees himself as a victim of government harassment, Johnson sits in an easy chair, smoking a cigarette. He is wearing a white T-shirt and striped overalls.

In a booming voice, he denounces his bureaucratic enemies. "I won't let any of those EPA bastards in here!" he says. "The state told me I had to cover the dump, so I did it. Now, some

contractor tells me it will cost \$280,000 to clean it up and I don't have that kind of money.

"The EPA came on my land like they were kings or something. They stood right there and supervised the burial and then sent a letter thanking me. They say on the radio where I'm responsible for burying cyanide that was poisoning things. They think I'm quite a beast. Wouldn't you be bitter?"

Johnson says a judge asked him the other day if he was going to clean up his dump. "I said, 'Hell, I can't clean it up.' So the judge continued it to another day."

The Byron dump was part of a 50-acre parcel of land purchased by Johnson in the mid-1960s. Johnson used 10 acres for a salvage yard, and the rest was leased by Joseph Vincer for a dirt track for motorcycle racing.

HERE'S A SUMMARY of what happened on Johnson's side of the tract:

In 1970, state EPA inspectors find Johnson is illegally using his salvage yard as a dump for barrels of liquid wastes, and tell him he's violating the law. They suggest he apply for a dumping permit.

Johnson tells the EPA he's running only a scrap salvage yard and has no intention of using his land for a dump; he promises to clean it up.

Vincer and other neighbors begin complaining to the Ogle County health department and the EPA about Johnson's dumping.

An EPA inspector returns and finds that 300 barrels of liquid and solid materials have been dumped there. Some drums containing paint wastes and sodium cyanide are leaking.

In the first of a year-long series of letters, the EPA tells Johnson to cover the dump with dirt. Johnson finally follows instructions, and on Aug 11, 1972, the EPA writes Johnson thanking him for his cooperation, observing that the dump has been "satisfactorily closed and covered."

After the EPA's thank you note, its surveillance section gets an alarming report from a private environmental analyst.

The report says that the water in Woodland Creek, which runs along the Johnson dump, is running red, and that the concentrations of cyanide in the creek are eight times above state standards.

12
THE ANALYST has been hired by Commonwealth Edison Co., which is purchasing property near its Byron nuclear plant.

Enter inspectors from yet another EPA department—the water pollution section—who sample water from Woodland Creek near its junction with the Rock River. In a ravine near the Johnson dump, they find a "strong" chemical odor and discoloration and "extremely high concentrations of cyanide."

They describe the water hues as ranging from red to reddish-yellow to yellow—a kind of liquid rainbow of ketchup- and mustard-colored contamination.

Gerald M. Kehoe, one of the inspectors, remembers the overpowering fumes from the chemicals. "That night two of us got sick from breathing the stuff," he says. "We were nauseous and had headaches."

The EPA water pollution inspectors begin building a file on the Byron dump. Neighbor Vincer says Johnson is pouring cyanide-ridden wastes in the salvage yard to "control rats" and putting cyanide barrels into "every hole and gulley he can find."

Vincer takes inspectors to a dam in a ravine, where he says Johnson stockpiles chemical wastes and, during a heavy rain, opens the dam so the wastes flow into Woodland Creek.

Walking along a waterway in the salvage yard, Kehoe finds barrels marked "Poison: Sodium Cyanide." Interviewing neighbors, he learns of trucks hauling barrels into the salvage yard and pouring liquids into ravines. One woman says more than 300 fish in her lake have died in the last two years. The lake sometimes is fed by the overflow from Woodland Creek.

While the EPA's land and water units pad their files, its surveillance section fires off a telegram to Johnson, informing him that he is breaking the law by discharging toxic wastes into the Rock River tributaries.

This telegram comes two years after Johnson is warned he is dumping illegally.

The Commonwealth Edison consultant has more bad news for the EPA. He has found high cyanide readings in another creek; some levels are 60,000 to 90,000 times higher than state standards, according to EPA records.

THE WATER POLLUTION inspectors continue to send their reports through EPA channels, expecting legal action to be taken against Johnson. Nothing happens.

"We thought it was a hot case, but it sat on someone's desk," says a former inspector who will not allow his name to be used. "It got to be sort of disgusting. I think it was just a screwup."

But another EPA inspector who requests anonymity says: "They just got swamped. The EPA was flooded with cases, and the Byron dump was just forgotten. It was the death of the cows that made the EPA finally move."

In May, 1974, five cows belonging to Joe Brannum, who has a farm near the Johnson dump, die after drinking from a

eam. Autopsies put the cause of death as cyanide poisoning. EPA inspectors from the land pollution unit, which two years earlier had ordered the covering of the Byron dump, find barrels of chemical pollutants leaking into a ravine after a heavy rain.

The inspectors report: "Johnson's method of disposing of cyanide wastes was to take a pick, smash a hole in each of the barrels and let the contents drain out on the ground. The barrels were then sold as trash barrels."

Commonwealth Edison finds cyanide barrels buried on a mound near Johnson's dump, and neighbors tell the EPA that Johnson is responsible. Edison will spend \$410,000 to dig up and remove more than 1,500 barrels for proper disposal and to decontaminate the soil by sprinkling the land with a neutralizing chemical.

IN LATE 1974, the Byron dump becomes a public scandal. EPA announces that cyanide has been found in some private wells in the area.

Barrie Chien, of the Rockford EPA office, tries to calm the resulting uproar. "There is no cause for immediate alarm," he says, "because the cyanide levels are 'minute' and the water will be safe to drink 'for three or four lifetimes.'"

Chien says Byron citizens must share the blame for not reporting cyanide dumpings.

His charge is angrily attacked at an emotional town meeting in Byron, where residents accuse the EPA and Ogle County health officials of ignoring complaints they had made for four years about the Byron dump.

Four years after the first warning to Johnson about his illegal dumping, the EPA files a complaint against him with the Pollution Control Board, the state agency charged with enforcing waste-disposal rules and hearing cases of rule violations.

Johnson is charged before the board with operating an

illegal landfill since 1970. Additionally, he's accused of dumping chemicals at his salvage yard and on neighboring land that polluted Woodland Creek, its tributaries and area groundwater with excessive levels of cyanide, lead and other metal compounds.

State public health officials test 139 Byron-area wells, and 23 families are advised to stop using the water for drinking and cooking because of dangerous levels of lead and mercury.

Seven other wells not used for drinking also have dangerous chemical levels, and 23 others are almost dangerous, says the memo. The inspection report adds:

"From a public health standpoint, I believe action to locate and remove any buried barrels of industrial wastes is justified; however, again EPA has the only legal jurisdiction and no one has the money."

IN 1976, assistant attorney general Michael Bennedetto files a written final argument in the case, conceding, "The state does not dispute its contribution to this unfortunate incident."

The attorney general's office finally has learned what Johnson's lawyer knew all along—that the state EPA had ordered Johnson to cover his dump and, in effect, was partly responsible for the water pollution.

The EPA fails to inform the attorney general's lawyers about its involvement in the "Close-and-Cover" campaign; they learn about it from Johnson's lawyer.

Sherwood Levin, Johnson's lawyer, contends that his client is blameless because he buried the barrels at the EPA's insistence and in return received a letter thanking him for following orders under a letterhead proclaiming, "In the New Illinois, We Accommodate!"

Bennedetto rejects this argument, asserting, with some irony, "The state of Illinois, through its agencies empowered to safeguard the environment, cannot sit idly by while serious environmental damage goes unchecked."

In April, 1977, after 13 interim orders, the Pollution Control

Board finds Johnson guilty of water pollution and orders him to remove the barrels and contaminated soil "in a safe, legal, expeditious manner."

In its order, the board admits "there can be no question that the agency's actions did contribute to the problem at hand," adding, "it is indeed ironic that the state should prosecute" Johnson after thanking him for following its orders.

THE BOARD ORDER also recognizes the Johnsons' physical and financial plight. Johnson had been disabled since 1974, and his wife in 1977 was battling cancer. His land was caught in a foreclosure proceeding and the family was deeply in debt.

After two years of inaction, the attorney general's office filed suit in Ogle County in 1979, seeking a court order to force Johnson to comply with the decision of the Pollution Control Board.

The barrels and the soil are still there to this day.

By 1979, Johnson has developed a new defense, contending the chemical wastes were already there when he bought the land.

Johnson also argues that he doesn't own the land anymore, and tax records support him. A speculator has bought the property by paying the back taxes for 1975-78.

But the Ogle County Circuit Court orders Johnson to clean up his dump anyway.

Last May, the state asked that Johnson be held in contempt of court for not obeying the 1977 Pollution Control Board order and cleaning the site. The action still is pending because of the dispute over who owns the land.

Today, one of the Byron residents who fought the dump from the beginning, says: "I wrote the EPA in 1972 and 1974 about this, and they never did a damn thing about it. But that's our Environmental Protection Agency for you. The only time they do anything is after the damage is done."

Tuesday: The most devious dumper in Illinois.

Chicago Sun-Times, Monday, November 10, 1980



WILFORD JOHNSON: "With all the money the state has spent on taking me to court, it could have cleaned up the dump."



PLEASANT SCENE? NOT REALLY. Beneath this weed-covered portion of the Byron salvage dump are barrels of cyanide.

'Close and Cover'

By Claudia Ricci

Once Illinois officials realized that underground chemical poisons wouldn't go away just because they were covered with soil, they launched a program to assess the danger caused by their "Close-and-Cover" campaign.

Using a \$50,000 federal grant, the state randomly selected dumps in Champaign, Lockport, Mount Carmel, Belvidere, Canton, Montgomery and two apiece in Kane and St. Clair counties.

The results of the first four completed tests are not encouraging. In addition to the cyanide turned up at the Byron site, here are the findings at the other three:

• **Macomb:** Between the 1950s and 1970, domestic sludge, refuse and demolition material were dumped in 10 trenches at a 10-acre city landfill about 100 yards north of the Lamoine River in McDonough County. Analysis of ground seepage samples and from three wells shows concentrations of iron, manganese, zinc, barium and lead which exceed standards of the state Environmental Protection Agency.

"The leachate [seepage] from this landfill poses a threat for pollution of groundwater and surface water," the reports states. "It appears that groundwater pollution is caused by the landfill."

The report suggests, among other actions: "Notify persons who seek to install wells as to potential groundwater pollution."



• **Danville:** Waste disposal started in the 1940s and ended in 1974 at a 56-acre site south of Danville between the Vermilion River and Interstate 74. Officials said 7,000 pounds of herbicide were dumped there. Chemical seepage at the site exceeds state standards for barium, copper, iron, manganese, ammonia, phosphorous, lead, phenols and zinc.

"Groundwater is polluted in the immediate vicinity of the landfill," says the state EPA, adding that seepage from this landfill "poses a potential threat for the pollution of surface and groundwater."

The EPA says private wells in the area suffer "degraded" water quality.

• **Kane County:** A 20-acre scrapyard operated between 1968 and 1978 near the villages of Gilbert and Hennessy. Battery acid was drained there so the lead casings of the batteries could be salvaged and sold. Also emptied into the ground were barrels of unknown liquid wastes. Excessive concentrations of boron, sulfates, ammonia and iron were found.

"From all available data," says the EPA, "this facility was not properly sited, engineered or operated from the standpoint of protecting the groundwater."

atest
arkets

Sun-Times

Chicago, Tuesday, November 11, 1980

Tuesday's
Red Streak

25¢ city and suburbs; 30¢ elsewhere

Sneaky Steve: midnight dumper

He grosses millions of dollars off dangerous chemical waste

THIRD IN
A SERIES

By Pamela Zekman
and Claudia Ricci

Copyright, 1980, Chicago Sun-Times

Steve Martell, who has grossed \$1 million a year disposing of chemical wastes, is probably the most notorious and formidable illegal dumper in the Chicago area.

"If he's not the worst, he's certainly at the top of the list," says a high-ranking official of the Illinois Environmental Protection Agency, which has been tangling with Martell for more than 10 years.

Martell, 51, has been caught operating illegally

in every phase of waste disposal he has undertaken—hauling, landfills, drum salvaging and incineration.

He has worked by stealth—in the dark of night as a midnight dumper—and in broad daylight, using disguised trucks to haul "hot loads" to secret dumps.

"If there were one person we could move to another state, he would be the one person," says the official, who asked not to be identified. "Everyone in the EPA would contribute to pay for the moving van."

Martell has defiled nearly every dump site he has touched, causing enormous health hazards

whose dangers remain to this day.

"Illinois has been relatively lucky," the top EPA official says. "We have no Love Canals. We like to point to a fairly good record, and then we have Steve Martell. He's a black mark for the state."

Martell is a maddening escape artist. Government agencies regularly haul him into court, but Martell keeps on hauling and dumping pollutants in defiance of the law. He makes big money doing it, grossing almost \$1.4 million in 1974, the only year for which precise figures are available.

Martell has been sued a total of six times by the

Turn to Page 1



Nobody stops

Continued from Page 1

state, the federal EPA, and the Chicago Metropolitan Sanitary District. The City of Chicago also has tried to stop Martell.

Whenever he's caught, officials say, the Martell method is to admit he's wrong and then promise to clean up his mess. He has promised many times to stop his illegal operations and tidy up, but continually he reneges on his agreement.

Martell is still in business today at the Paxton Landfill, 12201 S. Ogelsby, operating one of the city's oldest and largest dump sites. His clients include large, powerful corporations, whose spokesmen say they are not responsible for Martell's actions. They say the corporations obey the law and they assume Martell does, too, when he gets rid of their chemical filth.

But he hasn't. That leaves the final responsibility with government law enforcement agencies.

To Martell, the authorities are a mere annoyance.

Their impotence raises questions: Why can't public agencies control an illegal dumper like Martell? And how does Steve Martell get away with it?

An EPA official has an answer for the second question: "Heaven only knows."

...

Martell leaves a polluted trail that is easily tracked, but he himself is somewhat of a mystery, almost an invisible man.

He is a dirt-under-the-fingernails guy who works seven-day weeks and often sleeps at his dumps.

He leads a solitary, secretive life, and he keeps his mouth shut. On his lawyers' advice, he has refused to talk to Sun-Times reporters. During a 10-year marriage, he never even told his wife what he did for a living.

"He was a workaholic," his former wife told a Sun-Times reporter in an interview. "He would work seven days a week. He never had any friends, only business associates, but I never met any of them."

"He never talked about his work," Maude Martell continued. "He's very secretive. I had no idea what he did, although I believed it had something to do with garbage."

Once, she said, when one of their three

The LEGAL dumping sites —giant clay bathtubs

Dumpsites don't have to be grisly chemical graveyards.

There now are about a dozen landfills in Illinois where hazardous chemicals are legally dumped by permit into what one official calls "giant clay bathtubs."

Before the state Environmental Protection Agency grants a permit for one of those sites, it requires extensive studies to ensure that the geology of the area is stable enough so the liquids won't ooze from the pit and contaminate underground water.

Some highly toxic chemicals are neutralized before they're dumped, but most chemicals go into the trenches with no treatment.

As a check on the quality of underground water when the landfill is operating, wells installed on the site are monitored periodically to test for the presence of toxic compounds.

EPA rules generally allow liquid chemical wastes to be mixed directly with garbage in trenches. At a few sites, wastes left in drums are permitted under special conditions.

All landfills are required to layer the mixture of refuse and chemicals with soil. When the trenches are filled to a predetermined point, they are covered with soil and grass.

Claudia Ricci

children asked him what he did, Martell replied, "I rob banks."

She then asked the reporter, "He doesn't rob banks, does he?"

He doesn't, but hauling and dumping chemical wastes illegally can be more financially rewarding and far less risky than bank robbery—if you develop the techniques Martell follows.

...

Former employees, business associates, competitors, environmental agencies and court documents provided a look at the Martell business style. He has:

- Avoided costly dump fees by spraying chemical waste on public roads, pouring it into sewers and dumping it on farms and other illegal sites.

- Signed lucrative contracts with companies

million-dollar Martell

by promising to dispose of wastes only on legal sites, but his illegal dumping allows him to undercut his law-abiding competitors by as much as one-third in hauling fees.

- Concealed liquid wastes in disguised, gerry-rigged equipment, such as old milk trucks, garbage trucks and dump trucks that aren't designed to carry flammable, dangerous materials.

- Chased inspectors from his dumps with snarling dogs and has been accused of discouraging complaining neighbors with threats on their lives. Employees of an adjacent legal landfill once caught Martell pumping chemicals onto their site; Martell's response was to threaten to shoot any of the employees who tried to interfere with him.

- Ignored agreements he freely makes with authorities to clean up his messes or comply with the law. He has contended he lacked funds to clean up a dump and then moved on to a new site under a new name.

- Hired cheap labor, mostly Spanish-speaking day laborers, and he makes it clear that they are not to talk about what they do.

- Violated lease agreements, broken business contracts, defaulted on loans, tricked his creditors, lied to enforcement agencies and ignored numerous court orders.

...

Martell is a former welder whose entry into the dumping game can be traced at least as far back as 1964 in south suburban Argo.

Since then, he has operated under 13 different business names in at least 15 locations in Chicago, suburban Riverdale, Ottawa (about 85 miles southwest of Chicago) and Gary.

One of the businesses was U.S. Scrap Corp., which has been an enormous, chronic headache for city, county and state authorities since 1972.

The company did much of its damage near 119th St. and Cottage Grove, on hard-to-find, triangular acreage whose isolation provides the cover an illegal dumper prefers.

Martell operated here for years, piling up violations that fill a filing cabinet. On at least six occasions since 1972, Martell has promised to clean up the site or been ordered to do so or signed court agreements promising to do so. He has broken every pledge and order, including the last one, in June, 1980.

No fewer than four agencies—the City of Chicago, the Metropolitan Sanitary District, the state EPA and the Illinois attorney gener-

This series—"Our Toxic Time Bomb"—is the result of six months of investigation throughout Illinois by a team of Sun-Times reporters. The series, highlighting the growing environmental danger of dumping chemical wastes, was reported by Assistant City Editor Pamela Zekman and reporters Harlan Draeger, Claudia Ricci and Terry Shaffer. Today's articles were written by Special Writer Paul Galloway.

al's office—have tried to regulate this illegal site and stop dumping there.

James McCormack, who worked for Martell at the dump in 1974, knows how it got to be a putrid, festering health hazard.

"They would dig a pit, 50 feet long and 30 feet deep," he said. "They had two or three pits. They'd take open barrels and pour them into the pit. When it started overflowing, they'd bring in a load and put more solid stuff on it until it got stiff."

Some of the work could only be done in the middle of the night. "I knew something was wrong," McCormack said. "When they send a truck out at 10 p.m. and it has to be unloaded by 3 a.m., you know something is not right."

"They called those 'special loads' or 'hot loads.' That meant something toxic or something acid or something somebody frowned on, but you were told not to talk to anybody about what went on at the job."

McCormack also talked about rigging equipment to deceive authorities. "Martell took an old milk truck, put it on a flatbed trailer and fixed it so it could haul acid," said McCormack. "I spent a lot of time patching holes in it to keep the acid from leaking out."

Eventually, McCormack said, the camouflaged milk truck sprang too many leaks and had to be laid to rest. "I heard later they buried the whole thing."

Some of the wastes never made it to the dump. "Some of the drivers would tell me about opening the valves when they drove down a street and just letting the stuff pour out on the road. Sometimes they said they'd just dump the stuff down sewers," he said.

...

U.S. Scrap was in existence until 1976, when Martell sold its name and accounts for

Turn to Page 9

He hauled acid in a camouflaged milk truck

Continued from Page 8

75,000 while under a court order to clean up the 119th St. dump.

The city cited Martell for nine misdemeanor violations between 1972 and 1974; four citations were dismissed, and Martell paid a total of only \$925 in fines for dumping without a permit, failing to cover liquid wastes and "creating a public nuisance."

The Sanitary District began surveillance of the dump in 1971; since then, Martell has made nine "conciliation" agreements with the district to correct the conditions there. He has ignored them all, although this month district officials said arrangements have been made to remove 600 barrels that are still there.

But it isn't just the barrels that need removal. There are two lagoons, which used to overflow and catch fire, that still are saturated with chemical gunk. Contaminated soil, the state believes, may go as deep as 20 feet into the ground, posing a continuous health hazard to groundwater.

In May, 1972, the Sanitary District charged Martell with dumping excessive amounts of bromine, iron, lead and mercury onto the district's property and into its nearby Calumet River sewage-treatment plant.

A month later, Martell agreed to remove oil-soaked earth and otherwise police the area. He didn't, and a year later, the district issued another notice for the same violation.

Again, nothing was done, and in 1974 the Sanitary District found Martell guilty of discharging these excessive metals into the sewer system, a storm-water system and other property. The board threatened Martell with court order.

Once more, nothing was done, and the Sanitary District, its patience apparently wearing thin, obtained a court order against Martell and the Penn Central R.R. and Garvey

"It's an absolute mess," said Sanitary District President Nicholas J. Melas, estimating it would cost \$280,000 to clean the 119 St. site up. "We want to find and prosecute those who did this illegal dumping."

International, which had leased additional land there to him. The order directed Martell and the others to stop dumping and clean up.

The suit succeeded in getting a rare look at Martell's finances. According to records he was ordered to submit, Martell's businesses grossed \$1,390,000 in 1974, of which \$952,440 was from hauling chemical wastes and \$121,332 from the sale of salvaged drums and scrap.

Dump fees, which comprise a substantial percentage in a legitimate operation, came only to 2.7 percent of the \$1,359,066 he claimed as expenses.

A financial statement showed U.S. Scrap Corp. paid only \$56,823 in taxes other than income taxes; an additional \$2,576 went for other unspecified taxes. On the nearly \$1.4 million gross, U.S. Scrap claimed an after-tax profit of \$28,309 or 2 percent.

Martell listed U.S. Scrap's assets at \$1,182,000 in accounts receivable, property and equipment.

...

In 1975, the Sanitary District got another court order to force Martell to clean up the 119th St. site by August, 1976.

Eight months before the deadline, Martell sold U.S. Scrap and its business accounts and later announced he had to sell equipment to pay creditors. The Sanitary District, concerned that Martell wouldn't make its latest cleanup deadline, tried unsuccessfully to stop

the sale in court.

Martell sold the business just eight months before he would have had to clean up the 119th St. site under a court order issued in 1975 at the request of the Sanitary District. The district begged a court to block the sale, fearing that Martell wouldn't honor his promise to remove the waste.

The sale went through, anyway—with Martell declaring that he had to sell his equipment to pay creditors.

Sale records reveal that one of the buyers of Martell's equipment was a longtime business partner. The equipment the partner purchased—two tanker trucks and a semi-tractor—once more wound up with Martell in his next venture, U.S. Drum Corp.

Martell missed the 1976 cleanup date, but city and Sanitary District officials say they assumed Martell had complied with the court order by mid-1977; however, there are no inspection reports to document that the site was checked.

Last June, national attention on the Love Canal chemical devastation in upstate New York prompted a look at the 119th St. dump to see if Chicago might have a Love Canal of its own. (Nearly 1,000 families in Niagara Falls, N.Y., were evacuated from their homes near a canal that had been polluted by chemical wastes.)

At the 119th St. dump, Sanitary District inspectors found a mess worse than they had expected. The lagoons where chemicals were dumped had been covered with soil, but hazardous liquids were seeping from them.

The federal EPA analyzed the liquids, finding phenols and high concentrations of metals. The state EPA found sulfides, heavy-metal compounds, iron and mercury, but six months after samples were taken, its Springfield lab has not yet completed tests for

organic contaminants.

There was a shocking new discovery. Inspectors found two unused grain elevators holding more than 100,000 gallons of corrosive chemical wastes. One of the silos was emitting hydrogen-sulfide gas, which is lethal in a confined area.

The site was littered with almost 200 barrels, some containing chemicals and some solidified resins. Hundreds of gallons of oil had been dumped on the ground or poured into drainage ditches.

"It's an absolute mess," said Sanitary District President Nicholas J. Melas, estimating it would cost \$280,000 to clean it up. "We want to find and prosecute those who did this illegal dumping."

Melas' statement came eight years after the district began proceedings against Martell for operating an illegal dump.

On June 19, the district said Martell had agreed to remove the chemicals from the grain elevators, the drainage ditches and the covered lagoons. In exchange, the district would not file criminal charges against him.

But the attorney general's office was not part of that agreement and filed a suit seeking yet another order requiring Martell and the other property owners to take measures to prevent further dumping and clean up the site.

The attorney general's office said the EPA not only wants the surface area cleaned up but also the pits dug up. Officials fear the soil is contaminated to depths of 20 feet.

If tests prove them right, the cleanup job will could cost hundreds of thousands of dollars.

The suit is still pending.

The job is still not done.

Next: The Mob and Paxton Landfill.

Martell's no stranger to lawsuits

By Terry Shaffer

Steve Martell, the dumper who authorities can't seem to slow down, is battling a number of legal problems these days.

Not the least of them is a suit by the Illinois attorney general seeking to shut Martell's four operating corporations—the Paxton Landfill Corp., U.S. Drum Disposal Corp., Drum Chemical Treatment and Disposal Corp. and Stryker International Inc.

Because of Martell's previous illegal dumping activities, the suit charges, he shouldn't be allowed to conduct these businesses.

Here's a partial list of some of the legal woes faced by the baker's dozen of companies Martell has operated over the years:

- **Paxton Landfill Corp.** In 1979, when Martell took over management of Paxton, one of the city's largest dumps, he inherited a lawsuit filed with the Illinois Pollution Control Board. It charges Paxton with operating without a permit at some locations within its sprawling site at 12201 S. Ogelsby. Martell has continued dumping without the required state permits.

His Paxton operation is one more frustration for the state Environmental Protection Agency. As a result of previous Sun-Times disclosures about Martell's record, the General Assembly this year passed a law permitting the EPA to consider an applicant's background prior to approving his request for a landfill license.

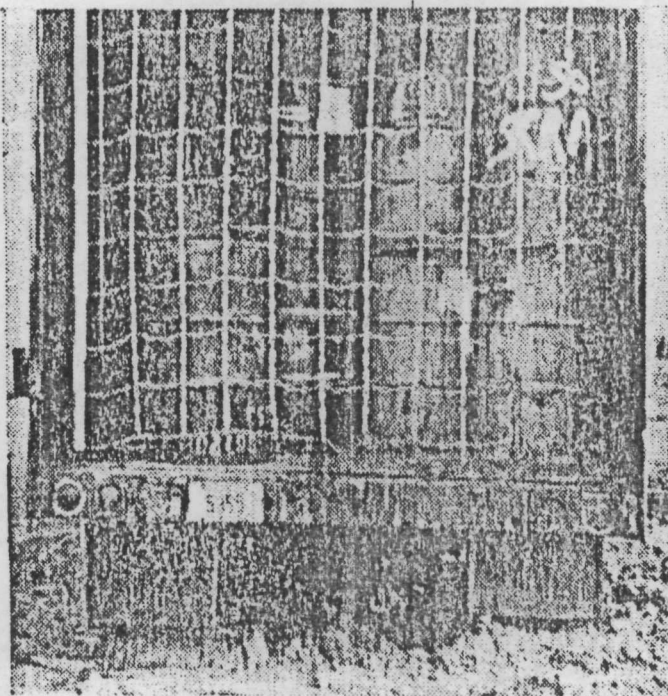
The law, however, was passed too late to bar Martell from Paxton. "Now we have the worst operator and the worst landfill together in the same place," said one EPA official.

- **U.S. Drum Disposal Corp.**, the successor to the short-lived Black Oak Development Corp., which was shut down by authorities in Gary three months after it opened in 1975. Indiana authorities acted after they realized Martell had lied to them about having obtained Gary zoning approval.

Undaunted, Martell started U.S. Drum, which operated at two Chicago sites, 135th and Hoxie and 2400 E. 119th. At the Hoxie site, according to a neighboring property owner, Martell cleaned barrels inside three semi-trailer trucks.

"One time a trailer sprung a leak, and an orange cloud went up. It peeled the paint off a junked school bus," the man said. When the number of barrels reached 1,000, the neighbor reported Martell to authorities. Martell said he'd clean up; he was moving to a new site anyway.

But the site still had barrels a year later and patches of



119TH AND YATES: In May, 1979, Steve Martell agreed to a court order to clean up a dump at U.S. Drum. Six months later, in November, it looked like this. The following June, he was cited for failure to comply with the cleanup order.

ground are covered with chemical goop. "Martell," the property owner said, "is a nice guy, but he's interested in money."

At the 119th St. site, Martell engineered a five-year, rent-free lease on the land by guaranteeing he would remove 1,000 drums filled with paints and chemicals left there by a prior drum-resalvager. Instead of removing them, he added to them.

In March, 1979, state EPA inspectors found 6,000 to 8,000 barrels on the site. They also found a truck fitted to carry chemical wastes that was disguised as an earth hauler. Martell was charged with operating an illegal dump and agreed to clean it up in 40 days. He didn't.

A year later, there were still 500 barrels there, and the state

asked that Martell be declared in contempt of court. While the charges are pending, Martell has moved the operation to a nearby parcel of land and is working on an "experimental permit" while he negotiates for a permanent license.

- **Drum Chemical Treatment and Disposal Corp.**, the successor to D.C.C. Corp. D.C.C. was based on a vacant lot at 111th St. and Champlain until 1978, when it changed its name to Drum Chemical Treatment and Disposal Corp.

Though D.C.C. was described by Martell in 1976 as a road-oiling service, he has been charged with using this operation as a cover for illegally dumping liquid wastes by spraying them on city and county roads. When asked in a deposition who hired him to spray public roads, Martell refused to answer, invoking his constitutional protection against self-incrimination.

- **Stryker International Inc.** was incorporated in 1976 to haul sludge (a by-product of sewage). This "International" operation had one client—the city of Somanauk, Ill. It operates as Martell's latest landfill acquisition at Paxton Landfill.

- **U.S. Scrap Corp.** of Chicago and Ottawa, a town about 85 miles southwest of Chicago. Martell bought a 20-acre dump site in Ottawa in 1973 with a pledge in the sale agreement to clean up the 20,000 barrels the former owner left behind. He didn't.

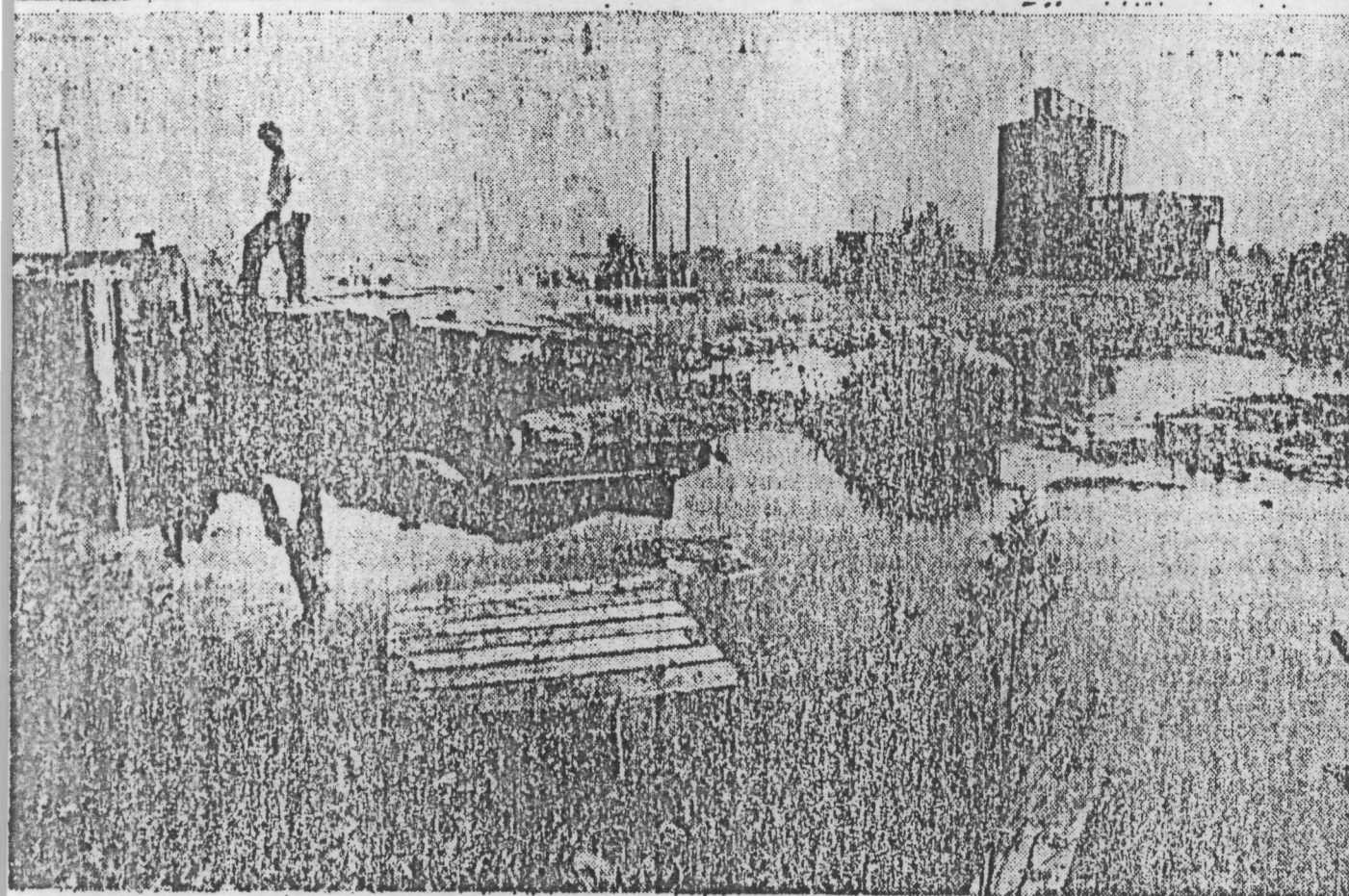
By 1975, the state EPA found many of the barrels had burst, were leaking or had "slid into Lake McNeill." An EPA inspector recommended a suit against Martell; it wasn't filed.

- **Liquid Engineering** operated an illegal dumpsite on 57 acres in Gary from 1972 until 1976, when Indiana authorities sued Martell to clean up the site. A default judgment was entered against Martell because he couldn't be found.

This year, the federal EPA filed a suit seeking to force Martell to clean up 500 rusted, leaking barrels still scattered about the property. The suit says the barrels, containing benzenes, esters, hydrocarbons and phenols, have saturated the soil and pose "an imminent and substantial threat to health and the environment."

- **Chemical Incineration Inc.** was formed in March, 1979, to operate a South Side incinerator. The attorneys who own the incinerator said they canceled Martell's contract after eight months because of his "messy" operation and his failure to turn over half the income as the agreement required.

"He wound up taking 100 percent," said attorney Julia Hagerty. "All of his operations were so secretive. We never got any kind of a report from him on anything."



119TH AND COTTAGE GROVE: A former employee of Steve Martell, the millionaire "midnight dumper," stands at site of U.S. Scrap Corp. The ex-employee says Martell dumped chemicals into

pits below the platform. A judge ordered Martell to clean up the site in 1976. The site was rediscovered this summer—still a mess. (Sun-Times Photo by Anthony Suau)



7401 W. 9TH, GARY: One of five piles of drums at an illegal dumping site used by Martell. Barrels "pose an imminent threat to health," U.S. agents say. (Sun-Times Photo)

Sun-Times

☆ Chicago, Wednesday, November 12, 1980

Wednesday's
Red Streak

25¢ city and suburbs; 30¢ elsewhere

How the mob reaped dumping profits

By Pamela Zekman
and Harlan Draeger

Copyright, 1980, Chicago Sun-Times

There are many theories about why the mob got into the dump business.

Federal agents who poked around in the debris of the Paxton Landfill operation during the 1960s came up with an interesting version.

"Originally," reported one agent, "the landfill was started as a place to get rid of bodies."

No victims of gangland murders have been found

FOURTH IN A SERIES

at the Paxton site on the eastern shore of Lake Calumet on the Southeast Side. But many other mob secrets are buried in the more than 150 acres of swamp.

One secret is the magnitude of the profits realized in more than a decade of illegal dumping. Figures compiled by Paxton Landfill Corp. in 1977 showed it was grossing \$1.7 million in that year alone.

The cash was generated by recklessly pouring

millions of gallons of hazardous chemicals in a pit described by the Illinois attorney general as "supersaturated, porous bathtub" that could spill leaks at any time.

A leak from the chemical-choked landfill would foul underground water, neighboring Lake Calumet and the Calumet Slough, a tributary flowing into the lake.

Anne Markey, an assistant Illinois attorney general who battled for two years to get what was thought to be only a temporary halt in the pollution,

Turn to Page 2



Continued from Page 1

the cyanide, mercury, phenols, lead and other metal compounds seeping from the dump could constitute an "environmental time bomb."

Yet the operation, which has flouted pollution-control efforts for more than a decade, continues today.

City officials supposedly booted mob figures out of the landfill business in 1969. But they stayed and expanded their operations for another decade, hiding behind secret land trusts and businessmen recruited as front men.

The calendar favors Paxton's furtive operators when environmental officials try to clean up the festering site. Every month that the operators of the dump can delay action on a complaint, they take in hundreds of thousands of dollars.

Noting the fortune that can be made during delays that routinely run to two and three years, one prosecutor lamented: "By the time we get a court order, they've already won."

• • •

The Paxton site, a swampy, no-man's land at 12201 S. Oglesby, is operated today by Steve Martell, the man environmental protection officials say they would most like to run out of Illinois.

Martell's notorious reputation is fitting, considering the history of the place.

The crime syndicate's entry into the landfill business was first noted in the mid-'60s when Richard L. Byrnes became secretary of Calumet Land Reclamation Co. and his pal, the late mobster Frank DeStefano, became secretary of Zelrio Inc. Together, the two corporations operated an 85-acre site—the first Paxton tract. Frank's brother, Vito, was its general superintendent.

The state's attorney identified Byrnes, 50, as a front for a third DeStefano brother, Rocco, a "financier" for hoodlum enterprises until his death in 1972. All three DeStefanos had crime-syndicate roots dating back to the

Al Capone era.

In 1969, the Better Government Association, a civic watchdog group, disclosed that the syndicate crowd had grabbed control of extensive landfill operations east of Lake Calumet. The BGA charged that the two syndicate-connected companies—Calumet Land Reclamation and Zelrio—had dumped garbage illegally at depths of up to 12 feet on land owned by the Sanitary District.

During city hearings on a proposed revocation of the companies' landfill license, Byrnes testified that he was the sole stockholder in the two companies. Frank DeStefano, he said, was the "operations manager" and brother Vito was a \$200-a-week employee.

Then Byrnes quit talking. On Dec. 17, 1969, Byrnes stalked out of the city hearings because, as his lawyer explained, "continued testimony might place him in jeopardy."

The city's hearing officer said Byrnes could not continue holding a city license if he declined to testify for fear of incriminating himself. Mayor Richard J. Daley revoked the landfill license within two days.

At last, the city had won its battle to get the mob out of the landfill business—or so everyone thought.

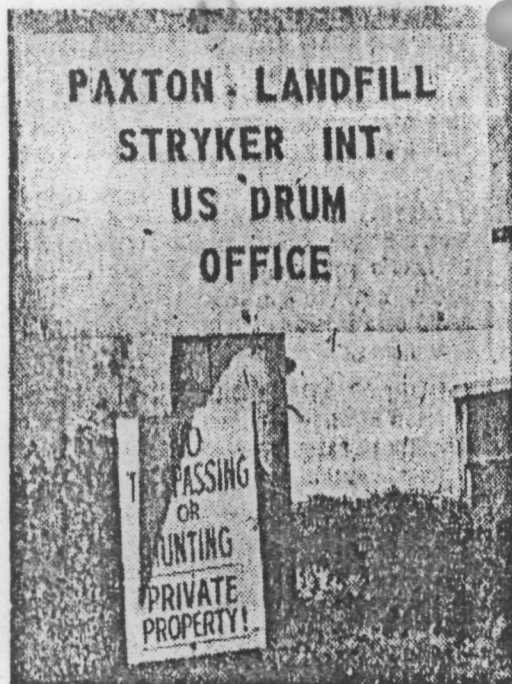
But new evidence raises questions about whether the ownership changed at all.

• • •

Mayor Daley's decision to pull the license of Byrnes and his partners touched off a yearlong campaign by small-scale, independent scavengers to reopen the landfill.

One of the scavengers, Charles Loman, came forward to buy the old mob operation.

This series, "Our Toxic Time Bomb," is the result of six months of investigation throughout Illinois by a team of Sun-Times reporters. The series, highlighting the growing environmental danger of dumping chemical wastes, was reported by Assistant City Editor Pamela Zekman and reporters Harlan Draeger, Cludia Ricci and Terry Shaffer.



But Loman didn't have the necessary financing and one of his proposed partners had a police record, making it impossible for Loman to get a license.

Loman turned for help to his cousin, Herman Roberts, a motel magnate who also owns a cab company, some bowling alleys, a nightclub and a string of other enterprises.

Roberts appeared to have the money and the good record to be president of the new operation, while Loman could be general manager of what they eventually called Paxton Landfill Corp.

Rounding out the corporate hierarchy was Charles Petty, the exterminator for the landfill, who agreed to serve as secretary-treasurer of the new company in exchange for the promise that he'd get to keep the extermination contract.

By October, 1971, the landfill was open under the Paxton name, and the city was satisfied that solid citizens were running the show.

But were they?

Petty now says he was an officer of the corporation for only a few months. Asked if the landfill ownership really had changed hands when the Paxton company had been established, he replied: "I don't know nothing

Who's who in Paxton polluters

By Claudia Ricci

Here's a "who's who" of the Paxton polluters, the gang that couldn't dump straight:

Richard L. Byrnes: Identified 10 years ago by the state's attorney as a "front" for late crime-syndicate hoodlum Rocco DeStefano, Byrnes has been a central figure in the Paxton Landfill operation for more than a decade.

Byrnes, 50, and the late Frank DeStefano, one of the three brothers associated with the dump, were indicted in 1974 for extortion and larceny in New York City. Charges against Byrnes were dismissed after Frank's death.

Rocco DeStefano: Known to law-enforcement agencies as a silent "financier" for various syndicate enterprises before his death in 1972, DeStefano was an important cog in the mob's legitimate businesses in Chicago, Miami and other cities.

He was suspected of the 1965 murder of mob front man Mandel "Manny" Skar, who was believed to be ready to squeal about how DeStefano received funds skimmed from construction loans.

Byrnes denied in 1969 that Rocco had an interest in Paxton, explaining that the payment of \$4,000 from Byrnes' landfill to Rocco was the repayment of a loan.

Arthur Nasser: Nasser, an Internal Revenue Service attorney until he was suspended in 1963 during an investigation of his links to organized crime, has represented Byrnes and other Paxton Landfill owners.

Nasser has been indicted four times—often with some of his clients.

In 1965, he was indicted twice on conflict-of-interest charges for representing in tax

matters some racketeers whose cases he had handled as an IRS attorney. A conviction and three-year sentence were overturned on appeal because of technicalities.

In 1968, Nasser was found guilty of a \$250,000 jewelry swindle involving Chicago and New York mobsters. A judge overturned the verdict.

In 1970, he was charged with taking part in a mob scheme to infiltrate the IRS, but the case was dismissed because, the prosecutors charged, court rulings excluded evidence they needed to show Nasser's guilt.

Frank DeStefano: "Frankie Dee" died in 1974 before he could come to trial with Byrnes on the loan-extortion charge. The indictment charged that Frank's enforcer threatened to kill a man who was late in repaying \$60,000 owed to Rocco's estate. To encourage prompt repayment of the debt, the indictment charged, Frank opened the window of an 18th-floor hotel room to show the victim how he would die.

Vito DeStefano: The only DeStefano brother still alive, Vito, 60, has stayed close to the Paxton operation through most of the 1970s.

In 1969, Byrnes identified Vito as a \$200-a-week employee of the Calumet Land Reclamation Co., forerunner of Paxton Landfill Corp. But Vito has been described by visitors to the site as a top "decision-maker."

Vito has stayed off police blotters since 1951, when he and Frank were acquitted of charges of counterfeiting cigarette-tax stamps. In 1979, however, the IRS took action to collect \$40,000 in 1978 taxes allegedly owed it.

about it. I was the exterminator, and they needed someone to serve as a director."

Herman Roberts, Paxton's president for nine years, says he knows even less. Roberts says he didn't invest a dime in Paxton, received no salary and made no money at all. He resigned as Paxton's president two years ago.

"I was just appointed president," said Roberts, referring all inquiries to Loman. "I don't

know nothing."

But Charles Loman isn't talking. "I had an ownership relationship with Paxton, and I'm out of the business now," he said. "I don't understand a lot of things."

Loman said to talk to lawyer Arthur Nasser. "He was the one that knew about it."

Nasser, counsel, friend and occasional co-defendant of organized-crime figures from

Turn to Page 8

25

New York to Las Vegas, says he has no financial interest in Paxton and only "represents certain individuals out there. That's it."

Nasser confirmed that Byrnes is one of his clients, but he declined to identify the others, contending the attorney-client relationship prevents him from answering further questions.

When the Paxton landfill reopened in 1971, Byrnes' name did not appear on any official records. But the Sun-Times confirmed, through interviews and court records, that he and Frank and Vito DeStefano remained on the scene in the 1970s.

Byrnes owned Paxton property, purchased new land to expand Paxton, met with Paxton's consultants and applied for Paxton's permits.

Records show that in January, 1975, Byrnes negotiated to buy for \$440,600 the 60 acres of land later known as Paxton II. The land was placed in a bank trust with Anthony Zolner as beneficiary.

Zolner, a trucking company owner, says he has been a Byrnes friend since 1973, but never owned any Paxton land, never acted as its agent and knows nothing at all about the landfill.

In fact, Zolner isn't quite sure what a landfill is. "That's where you put garbage, isn't it?" he asked.

Until last year, Byrnes owned another tract of Paxton land through a bank trust that had owned the property when the landfill was called Calumet Land Reclamation Co.

When Mayor Daley closed the Calumet landfill in 1969, Byrnes held beneficial interest in this trust. When the dump was reopened in 1971 by Loman and Roberts, interest in the trust had been transferred to a Byrnes employee, Joseph Mercurio. Records show that Byrnes regained his beneficial interest in November, 1976.

The landfill has kept expanding, sometimes even encroaching on land it doesn't own.

One property owner, Joseph T. Pranica, recalled his fury when he discovered that Paxton had dumped waste material on 33 parcels he had purchased for back taxes in 1958.

"We took a ride out there, my wife and I, and we discovered the land had been filled with garbage," he said. "We were just flabbergasted."

Pranica's complaints to Paxton were answered by a phone call from Byrnes. Pranica then agreed to lease Paxton the land for \$1,000 a month beginning in October, 1977.

The payments stopped after a year, and the Pranicas still are angry about the whole affair. "It's stealing," said Elaine Pranica. "It was an investment we made for our kids' college education."

In July, 1978, a consulting engineer met with Byrnes and Vito DeStefano to discuss getting Paxton in compliance with state regulations. Vito DeStefano, the engineer said, seemed to be "one of the final decision-makers."

One month later, documents filed with the state EPA identified Byrnes as the "agent" for Paxton.

By 1979, 10 years after Mayor Daley had revoked Byrnes' landfill licenses, Byrnes was negotiating openly with the city agency that regulates landfills.

One of the meetings was with Don B. Gallay, who now heads the city's environmental section.

Gallay remembers Byrnes well: "He used to secure the bond, get the tax bills paid and usually came up to the office with Loman to get the permits."

Gallay also saw Vito DeStefano keeping track of trucks as they arrived at the landfill.

Gallay says he doesn't know about the city's past problems with Byrnes and DeStefano and doesn't care who owns Paxton or the landfill site.

"I haven't the foggiest idea," he said. "It really doesn't matter who the hell owned the land as long as it's being operated in a proper manner."

Although the state describes Paxton as a potential "environmental time bomb," Gallay and the City of Chicago say Paxton has operated properly.

In 10 years of daily inspections, the city cited Paxton only three times. Two citations were dismissed after the inspector failed to show up in court, and the third resulted in a \$50 fine.

Why did the state inspectors find so many violations and the city inspectors so few? Gallay explained:

"An inspector went out, and if he found something, he told them to stop and they stopped. If I want to, I can find a violation on anything, anytime, anywhere. How nitpicking do you want to get? The place is a landfill. It's not surgery. The name of the game is abatement."

In Chicago, the name of the game is clout. And, not surprisingly, the Paxton crowd has made its share of campaign contributions. In 1978, the year it needed a favorable zoning decision from the city to expand its operations, Paxton Landfill Corp. made \$8,000 in campaign contributions to Mayor Daley's reelection campaign and the Democratic Party.

Ironically, another politician to receive Paxton contributions has been 10th Ward Ald. Edward R. Vrdolyak, who used disclosures about mob connections at the landfill in 1969 to unseat his predecessor, Ald. John Buchanan.

Vrdolyak charged that Frank DeStefano had offered him money to "quit screaming" about dump operations. And Vrdolyak said that the illegal landfill run by the Byrnes crowd had won Buchanan's blessing with a \$2,000 campaign contribution.

"The people in this ward had this dump crammed down their throats," Vrdolyak said then. "This dump could not operate without approval of the alderman. His permission is required under the law."

When the dump reopened under a new name, Byrnes and DeStefano still were in the picture, and the landfill still operated illegally. Between September, 1977, and March, 1979, Paxton Landfill Corp. contributed \$2,600 to "Citizens for Vrdolyak," according to campaign records.

And in 1978, Vrdolyak's comments were ambiguous when the city asked him for his views on Paxton's request for a permit to accept liquid wastes.

"I am totally and completely against any type of organic materials to be used for any landfill," responded the alderman. "However, we are in accord to fill the entire area with legal landfills, once and for all, so that there will be no further need for such landfills."

Vrdolyak couldn't be contacted for comment.

State records show that Paxton, with rare exceptions, has operated illegally since it first was cited for operating without a permit in January, 1971.

Though Roberts and Loman obtained an operating permit in June, 1971, the dump was cited for violations at least 17 times by state EPA inspectors between 1973 and 1977.

In April, 1978, a Paxton supervisor admitted to inspectors that Paxton was dumping garbage and hazardous chemicals beyond its permitted area. It wasn't until a year later that the state EPA forwarded the case to the state attorney general and a complaint was filed before the Illinois Pollution Control Board.

After the case languished another year at the pollution board, the attorney general went to Cook County Circuit Court, where an emergency order was obtained to force Paxton to begin obeying the law.

While the authorities dawdled, Paxton was grossing \$143,000 a month by dumping 100,000 gallons of chemicals a day into the ground, according to figures supplied in 1977 by the company itself. The state charged that by operating illegally, Paxton was able to undercut dump fees charged by the competition.

The Circuit Court order apparently hurt. In 1978, creditors were told, the company lost \$179,752. By the end of 1979, the Byrnes group pulled out.

Neither Byrnes nor Vito DeStefano has responded to Sun-Times requests for interviews, and the record is confusing.

In June, 1979, Paxton creditors were told that Steve Martell, one of the state's most notorious dumpers, had "negotiated a long-term management contract" and planned to "use his management skill and capital to revitalize" the business.

Martell's track record contradicts this optimistic appraisal of his abilities. On several occasions, he had told authorities his businesses didn't have the money to clean up the sites he polluted.

Within months after coming to manage the failing Paxton operation, Martell contended that he purchased the company for an undisclosed sum.

Paxton's assets were said at the time to be worth \$613,000. And the 150-acre site—of which Martell said he purchased a chunk—was valued at \$22,000 an acre.

Martell wouldn't verify the figures because his attorneys have advised him not to talk with reporters.

Whatever his role in Paxton, Martell has continued the tradition of ignoring anti-pollution rules.

Thomas Cavanagh, head of the state EPA's permit section, says it's "entirely possible" that the agency has been misled over the years about the ownership of Paxton. But, he said, the EPA willingly accepts the information it gets.

"Who," he asks, "would want to lie to us about a landfill?"

Thursday: Rough riding with the Cadillac of dumps.

Neighbor finds the mob had dumped on him



JOSEPH T. PRANICA on land he owns in Paxton Landfill and on which Paxton dumped waste material without his permission. "We were just flabbergasted." (Sun-Times Photo by Anthony Suau)

Human element also a threat to probers

The chemical pollution at Paxton Landfill isn't the only health hazard faced by inspectors, according to officials of the state Environmental Protection Agency.

They say there's also a threat of harm from the dump's employees.

"I didn't have the intestinal fortitude to ask people to stake out the Paxton site at night," a former EPA supervisor said. "We weren't allowed to carry a gun, and that's no place to

go and sit in a car at night. You could get killed real easy."

Once, the former EPA official recalled, he had to jump out of the way when an ill-tempered driver "tried to dump a tank truck on me."

The lack of hospitality is understandable. The dump has operated without legal permits for most of its existence.

Mob mines profits from toxic pit

The Illinois attorney general describes this landfill on the shore of Lake Calumet as a 'supersaturated, porous bathtub' that could sprout leaks at any time. But the city doesn't care who owns it.



PAXTON LANDFILL site, 12201 S. Oglesby: One theory is that it started as a place for the mob "to get rid of bodies." But other kinds of mob se-

crets are buried in its swampy 150 acres. BELOW, LEFT: A warning to keep out. (Sun-Times Photos by Gene Pesek and R. B. Leffingwell)

29

Sun-Times

Chicago, Thursday, November 13, 1980

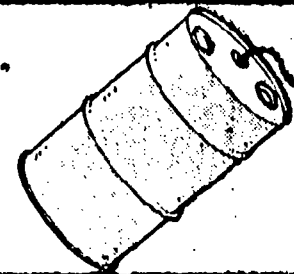
Thursday's
Red Streak

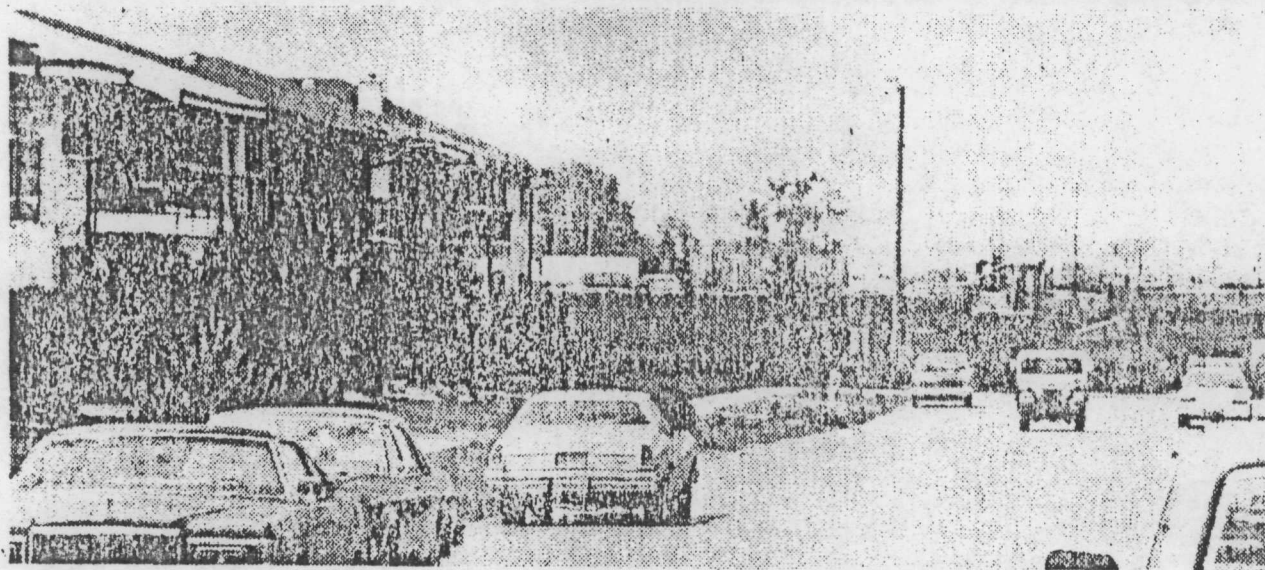
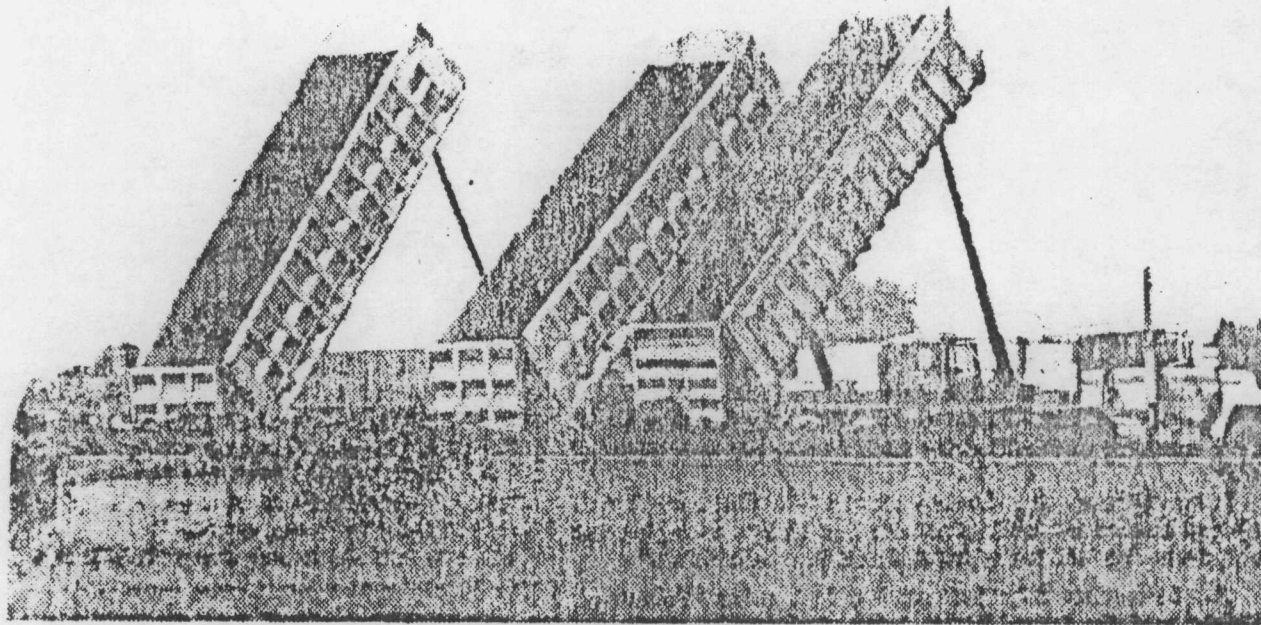
25¢ city and suburbs, 30¢ elsewhere

Toxic Time Bomb

From gunk to gold, with a wink at law

Page 5





TRUCKS DUMP SLUDGE at Waste Management's Kingery landfill, just across the street from the Lansing Square apartments (bottom photo). The sludge, though supposedly harmless, caused the most severe problems for people with

heart conditions and emphysema. But scores of previously healthy residents were afflicted with headaches, nausea and swollen, itching eyes. (Sun-Times Photos by John H. White)

Turning 'gunk into gold'—while winking at law

Waste Management Inc. is the
'Cadillac of dumpers,' but living
near its operations is no luxury.

Claudia Ricci
and Pamela Zekman
Copyright 1980 Chicago Sun-Times

One whiff of the overpowering fumes sent Sandra Stegner's pulse racing and made her gasp for air. One day she even was rushed to a hospital, spitting blood.

It was just as bad for Natalie Nawrocki. Her breathing became so difficult she had to be given oxygen by the fire department.

"I was gagging and vomiting," Nawrocki said. "I thought I was having a nervous breakdown. It's that lousy lot. I just sit and cry. I want to get away from this dump."

This dump is the Kingery Development Corp., a landfill in south suburban Lansing operated by the Cadillac of chemical-waste disposers, Waste Management Inc.

Waste Management last spring began filling the Kingery pit with sludge generated by the Chicago Metropolitan Sanitary District. Sludge is what's left after the district processes sewage.

The odor of the supposedly harmless gunk was the first thing to trouble the residents of the nearby Lansing Square apartments. They tried all summer to shut out the stench—with little success—by closing their windows and remaining indoors.

People with heart conditions and emphysema suffered the most. But scores of previously healthy residents were afflicted with headaches, nausea and swollen, itching eyes.

ADDING INSULT to injury, the goo from the landfill mixed with the rain to form ankle-deep puddles in the street.

It's not surprising, then, that residents aren't impressed when they're told by environmental experts that

tor of the landfill, is the best in business.

Waste Management Inc., in a of modern-day alchemy, has found the way to turn gunk into gold.

It has risen in the last decade from relative obscurity to become one of Chicago's 75 most profitable corporations. Profits last year totaled \$36.7 million, a rise of 1 percent in 10 years for the company, whose shares are traded on the New York Stock Exchange.

Today, the Oak Brook-based company presides over an empire of landfill sites in 20 states, as well as Canada and Saudi Arabia.

Despite the company's blue-ribbon environmental authority, say its hands aren't exactly clean. Frequently, they say, the company stretches the rules. Sometimes, in addition, it ignores them altogether.

BUT THE OFFICIALS assigned to protect our air and water are inclined to look the other way. Waste Management transgresses.

Rubbish, sludge and dangerous industrial chemicals aren't going away, and somebody's got to do the dirty work, the officials reason.

"We're really between a rock and a hard spot," said Ken Becht, manager of the state EPA for northern Illinois. "If you didn't have [Waste Management], where would a lot of this material go?"

FIFTH IN A SERIES



A review of state records of three Waste Management sites in Illinois reveals that the company has a habit of dumping first and getting the proper permits later. The review also shows that state officials generally are slow to react to most violations.

In addition to exploring the history of the Kingery landfill at 175th St. near the Kingery Expy., the Sun-Times reviewed the records of a sprawling landfill near Lake Calumet operated by the company's CID Corp. division, and a dump site in Joliet run by the company's ESE unit.

In each case, the company applied for permits to accept new materials after the new operation was in full swing and after the state EPA discovered Waste Management was violating regulations.

"We've called it a pattern of abuse," said the EPA's Bechely. "There's a pattern—not of violations that are obviously going to cause large-scale environmental problems, but shortcuts. They try to cut corners."

JEFFREY DIVER, a former EPA employee who now serves as a senior attorney at Waste Management, says Illinois regulations are

administered on an "ad-hoc basis."

The rules, complained Diver, don't specify which activities require permits. A landfill operator, he continued, "doesn't know what he's supposed to do or not supposed to do."

Yet, the company has neglected on several occasions to apply for a permit, even when told specifically by the EPA that it needed one, according to records.

When Waste Management wants to show off, it takes visitors to the 400-acre CID landfill at 130th and the Calumet Expy., which stretches over the city border into south suburban Calumet City.

The spread is so large, an EPA inspector once said, that "it is difficult to inspect."

This state-of-the-art dump daily takes in about 20,000 cubic yards of garbage and 200,000 gallons of miscellaneous industrial liquids, including hazardous chemicals.

The landfill, opened in 1968, is not only a model of modern waste

disposal. It's also an example of how the company toys with pollution-control regulations.

Records reveal that EPA inspectors cited CID 13 times between 1972 and 1975 for accepting liquid wastes, including hazardous chemicals, without obtaining prior approval.

IN 1976, residents of the neighboring suburb of Burnham sued CID after the landfill injected thousands of gallons of pesticides into wells on the site, creating an odor one village official called "obnoxious."

The suit filed with the state Pollution Control Board also charged that the waste eventually would rise more than 600 feet to cause a "scenic blight." The hulking hill beside the expressway today isn't nearly that high, but it unmistakably dominates the landscape.

"Most places, you're only allowed to go to the highest elevation around," says Burnham Police Chief Edward Lawhead. "So, naturally, they [CID] picked the highest point, which was the steel [railroad]

bridge. When they got up over the railroad tracks, they said, 'We're using the top of the bridge' as a guide. When they got over that, they just thumbed their noses at us. They are the highest thing in the area."

In 1979, inspectors reported that the dump had sprung a leak, causing contaminated runoff to ooze from two slopes and collect in ponds on the ground. Experts say such a leak shouldn't occur if a company properly mixes liquid chemicals with solid wastes and then places the mixture between layers of soil.

To remedy that problem, CID removed the contaminated soil around the leak and built a dike to collect future runoff.

IN A HARROWING development last summer, a routine test of wells on the site revealed levels of cyanide that were up to 20 times beyond the state limit. The findings could indicate groundwater beneath the landfill is being contaminated by the deadly poison.

CID says cyanide hasn't turned up in subsequent tests.

State officials don't need a cyanide problem at the giant landfill. They already have enough trouble with sludge.

Tons of the mud-like residue are churned out every day by the Sanitary District's five sewage-treatment plants. By the time the Sanitary District is finished treating it, sludge is supposed to be safe.

But William Sanjour of the federal EPA in Washington says it's a "hoax" to call sludge harmless.

The reason, he explained, is that the industrial wastes discharged into sewers are laced with such chemicals as lead, cadmium, cyanide



JEFFREY DIVER, senior attorney at Waste Management: A landfill operator "doesn't know what he's supposed to do or not supposed to do." (Sun-Times Photo by Gene Pesek)



NATALIE NAWROCKI. "I was gagging and vomiting. . . . It's that lousy lot. I just sit and cry. I want to get away from this dump." (Sun-Times Photo by John H. White)

Continued from Page 5

and polychlorinated biphenyls, commonly known as PCBs.

Excessive amounts of lead can cause irreversible brain damage, cadmium can damage the kidneys, cyanide is lethal and PCBs have been linked in laboratory tests to reproductive problems, cancer, liver damage, loss of hair and even death.

The Sanitary District can't eliminate these chemicals from sludge.

"Chicago sludge is hazardous in any shape or form you find it in," said Sanjour. "This agency [the federal EPA] has been treating sewage sludge like chocolate ice cream. When it's dumped in people's backyards, they call it fertilizer. It's a hoax... a very expensive and dangerous hoax."

DESPITE AT LEAST one analysis showing sludge samples with PCBs at almost 10 times the level considered hazardous, Waste Management Inc. regularly uses sludge as a substitute for clay or soil to cover liquids at the showcase CID dump.

State EPA director Michael Mauzy admits that the rules on sludge disposal are so inadequate as to be the "Achilles' heel" of the regulatory scheme.

The Illinois Pollution Control Board, he noted, has yet to adopt regulations the EPA proposed three years ago for the disposal of sludge.

While the debate over sludge goes on, Waste Management continues dumping it— with or without a permit.

An old duck pond across the street from the Lansing Square apartments became a fetid mound after countless loads of sludge were dumped in it by Waste Management at its Kingery landfill.

The state EPA told the company to stop spreading the sludge in August, 1977, saying it had to have a permit to dump it there. Six months later, the company was still at it.

Asked about the continuing practice, Waste Management engineer Bert Fowler said he didn't think a permit was necessary. Waste Management lawyer Diver said the failure to get a permit was "a technicality."

Vrdolyak, Byrne, Bilandic got donations

Public officials who have benefitted from political contributions from Waste Management Inc. include Mayor Byrne, former Mayor Michael A. Bilandic and Ald. Edward R. Vrdolyak (10th).

Vrdolyak got the most. Between 1974 and 1980, he received nearly \$10,000 from Waste Management's subsidiary, CID Corp. which operates a landfill in his ward. An alderman's support is needed to obtain an operating permit from the city for a landfill.

Byrne got \$3,000 and Bilandic got \$8,000 during the 1979 Democratic primary.

It wasn't until June, 1978, that the company finally applied for a permit. The EPA said "no," adding: "The sludge... possesses a significant groundwater pollution potential and, as such, cannot be used as cover material."

That didn't stop Waste Management. Inspection reports for the next five months show sludge was being used to cover other wastes at the landfill.

Fowler applied for a sludge-dumping permit again in February, 1979, saying there was a shortage of clean soil for use as cover material. The agency granted his emergency appeal three months later.

In 10 years, city records show, CID has paid no city fines, despite repeated charges filed by the Environmental Control Division.

Jay McMullen, the mayor's spokesman, said the contributions to Byrne had "no influence whatsoever" on any city decisions.

Another beneficiary of Waste Management was former Thornton Township Democratic committeeman Patrick O'Block. O'Block got more than \$55,000 during a five-year period working as a public relations consultant for CID, according to the U.S. Securities and Exchange Commission.

IN APRIL, 1980, the EPA granted still another permit to Kingery to blend sludge into the top layer of the landfill's final cover.

Soon after the second permit was issued in the spring, the residents of the Lansing apartment complex began complaining about the gnawing chemical smell from the sludge and the runoff in their streets when it rained.

In May, Sandra Stegner, 30, of 17703 Escanaba, was rushed to the hospital, spitting up blood. "The only thing [the doctors] could say was that something was irritating my nose and throat," she said.

She thinks it was the dump.

Last year Mary Hulkowich began develop-

ing emphysema. "I never had it before," she said, adding that her eyes are always itchy and bloodshot and her eyelids are always swollen.

She, too, thinks it was the dump.

Some of the older residents, like M. Nawrocki, 65, of 17711 Exchange, fled the apartments altogether for a time last summer.

"I'm going to have a nervous breakdown," she told a reporter one hot afternoon in July. "Those chemicals are so strong you have to use eyedrops. Last night I had to go to my daughter's."

There's no doubt in Nawrocki's mind it was the dump.

After a rash of complaints last summer, Lansing Mayor Louis LaMourie urged Kingery to stop accepting sludge. Now, the dump is being covered with clay.

He says Waste Management has a trench to prevent runoff from flooding streets during rains.

LaMourie admitted sludge was a nuisance during the summer, but thinks the residents may feel better after Waste Management finishes covering the dump.

"I can see where the people are shocked," he said. "I don't like it either. But they forget that anything happened once it's covered and graded."

FRIDAY: The state's Environmental Protection Agency.

'Hot water smells so bad you can't bathe in it'

By Claudia Ricci and Terry Shaffer

The gnawing chemical odor in the air is gone now, but some residents don't feel safe living near the Joliet landfill operated by Waste Management Inc.

They fear that the dank smell in their drinking water and the health problems cropping up in their farm animals are connected to whatever is buried in the dump.

Their concern apparently is shared by the Illinois Pollution Control Board.

After the residents raised a ruckus about the landfill at a recent hearing, the board shelved its approval of an agreement that would have settled a complaint against the company filed by the state Environmental Protection Agency.

The agreement tabled by the board would have exacted a \$7,000 fine from Waste Management for the hell endured by hundreds of neighbors of the dump in 1979, when six lagoons laden with liquid chemicals inexplicably sent up a sickening stench.

After several initial efforts to overcome the problem failed, the company late last year pumped the chemicals out of the offending pits. It has sought and received the proper permits for operations it plans to continue at the dump.

From the looks of things, the nightmare is in the past. Residents say it isn't.

"Everyone who lives within a mile of this dump has hot water that smells so bad you can't take a bath with it," Patricia Hibner told the Pollution Control Board at a hearing in August.

"You can't stand to be in the same room when the washing

machine fills up," she continued. "There is something in our water supply—some chemical that, when it is heated up, does disastrous things to the water. . . . The smell is intolerable."

Hibner thinks the water might have had some connection with her daughter's illness last summer. "Her legs and arms would swell with red blotches," said Hibner. "It was painful and itchy."

Two years ago, a litter of pigs owned by the Hibners was struck with intestinal ailments and infected ears. Seven of eight cows couldn't bear calves on the neighboring farm of William Freis Jr. And farmer John Demick noted breeding problems among his goats, rabbits and geese.

After the Hibners stopped drinking their water, their daughter's symptoms disappeared. Now, they use the water strictly for bathing—but only once a week.

The lagoons stored chemicals that Waste Management planned to eliminate by an experimental process called land farming. That's a means of disposing of chemicals by working them into the ground.

When the company launched its land-farming experiment in 1975, the state EPA objected, saying "questions remained" about the method. Waste Management, which operates the dump through a company known as ESL, plowed ahead.

Without ever obtaining the appropriate permits, the company dug two lagoons to hold various wastes in 1975, and added two lagoons each year in 1978 and 1979.

Just as the last 1-million-gallon lagoon was filled, a chemical reaction in the pools brewed up what someone dubbed "the big stink."

The odor, which officials speculate may have resulted from

inadequate cleaning of the lagoons, was detectable in the center of Joliet, six miles away. Truckers highballing Interstate 80 radioed one another, "Hold your nose, coming to Joliet."

On the perimeter of the dump, people pinched their noses and prayed for relief.

"We were doing something at ESL that had never been done before," said Waste Management engineer Bert F. "We thought we had good enough controls. Obviously, it didn't."

It took a petition from 600 citizens and letters to a high government officials before the EPA sued Waste Management in November, 1979.

The Pollution Control Board didn't hear the complaint until August, 1980. It was then that the board asked for information about the water problem, putting off its decision on the settlement of the 1979 case.

"Those people may have drinking-water problems," Jeffrey Diver, the attorney for Waste Management. "But assure you it's not caused by ESL."

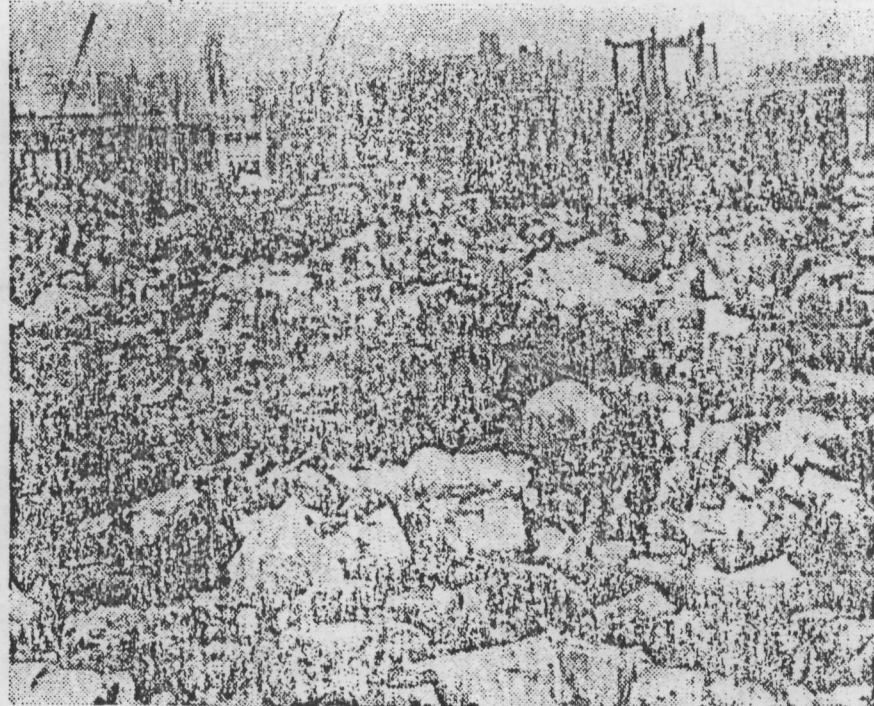
Residents are angry that the EPA has given ESL the go-ahead to resume land farming and use of the state lagoons—even though the case hasn't been settled to this day.

In a victory for the community, ESL has agreed not to dump any hazardous wastes into either the land farming operation or the lagoons.

The residents are determined to hold the company to its pledge.

"If they start doing it again, it's going to be war," Margaret Whittier. "We are going to lie across the highway, and they're going to have to drive across us."

Chicago Sun-Times, Thursday, November 13, 1980



HILL COMPOSED OF WASTE dominates the landscape next to the Calumet Expy. It and the pile of rubble at right are part of the 400-acre CID landfill at 130th and the Calumet. The police chief in the neighboring

suburb of Burnham, expressing concern about the height of the hill, said the landfill operators "just thumbed their noses at us." (Sun-Times Photos by Gene Pesek)

Sun-Times

Chicago, Friday, November 14, 1980

Friday's
Red Streak

25¢ city and suburbs; 30¢ elsewhere

Once the 'watchmen,' now the watched

A parade of former officials has left the state Environmental Protection Agency to work for the same companies they once policed.

Some insiders watching the exodus are concerned that some EPA officials aren't being properly aggressive because they're afraid of antagonizing potential employers.

As one official put it, EPA staffers have "a feeling of identity with the people they are regulating—more than there should be."

EPA director Michael Mauzy says he isn't worried about the revolving-door phenomenon. Commenting on the few former employees who say they still have pull at the agency, he says, "They get no special treatment."

Several of the former EPA employees went to work for private companies immediately after leaving the agency. Had they worked for the federal EPA, regulations would have required them to wait at least two years.

Here are a few of the former key EPA officials who have moved into industry:

- James D. Andrews, the manager until 1974 of the EPA's land-pollution division.



JAMES D. ANDREWS

He now is a consultant for the Paxton Landfill Corp., a dump on Chicago's Far South Side that has been cited for numerous violations.

- Patrick Lynch, who rose to deputy director of the EPA before quitting in 1978. He is a consultant to the ARF Landfill Corp. in Grayslake, which has been accused of violations for more than a decade, and the Alburn incinerator at the Paxton landfill in Chicago. Alburn has operated without a state permit for much of the decade, according to state records.

- Michael Rapps, a five-year EPA veteran who resigned and went to work for Waste Management Inc. in Oak Brook, the giant company operating the CID Corp. landfill on the South Side. Rapps' duties before leaving the EPA



PATRICK LYNCH



JEFFREY DIVER

included negotiating an operating permit for the CID fill. After working a year in Illinois, Rapps asked to be transferred out of the state to avoid the appearance of a conflict of interest.

- Jeffrey Diver, who was an attorney for the state EPA for four years. He went to work for Waste Management in 1977. While at the agency, he says, he handled only three or four cases against his future employer. To avoid the appearance of conflict, he deliberately didn't handle any cases involving the state agency in his first two years with the company.

- Charles Clark, who spent eight years in various positions at the EPA. He worked briefly for Waste Management after he left the agency in 1978.

Chicago Sun-Times, Friday, November 14, 1980

State EPA: Protector or paper tiger?



NORMA ROURKE: "What good does it do?" (Sun-Times Photos by Jim Klepitsch and Gene Pesek)

"Whom are you in the EPA protecting and assisting?" demanded an angry Norma Rourke in a letter to the state Environmental Protection Agency. "Not the citizens, that's for sure."

Norma Rourke had reason to be mad. She and her neighbors in Joliet were being sickened—and sometimes driven from their homes—by fumes wafting from a nearby landfill.

Desperate to know what was being done to correct the problem, she got a copy of the EPA's file on the dump. Reading the files only made her angrier. That's when she fired off her letter.

"What good does it do to even have an EPA?" Rourke wrote. "It only provides jobs for people who make routine inspections, report the misdeeds on paper, file it away, maybe write a letter or two on cleaning up their act—and then continue on their merry way."

Norma Rourke isn't the only one fed up with the performance of the EPA—especially

SIXTH IN A SERIES



when it comes to the agency's watchfulness over the disposal of chemical wastes. Here's how some insiders feel:

- The EPA is being sued for incompetence in issuing permits by its own lawyer—the

Illinois attorney general, who usually serves as the agency's legal enforcer.

- A former EPA supervisor who resigned in frustration says "the name ought to be changed from the Environmental Protection Agency to the Environmental Reaction Agency." He said the EPA is "so understaffed and underbudgeted that they can only react to crises after they have happened."

- An assistant attorney general says the agency tries to be pals with the industries it regulates, using the arm-around-the-shoulder strategy rather than the gun-at-the-head approach. "They wanted to be considered partners of industry," said the lawyer. "They didn't want to take them to court or cause trouble. They wanted to be friends."

A top EPA official offers this defense: "The agency fears calling public attention to polluters because it doesn't want to be called 'alarmist.' The hesitation is partly justified because we really don't know how much

MASS hysteria.

Despite all the complaints, Illinois somehow has built a reputation as a leading state in regulation of dangerous wastes.

"This state," asserts EPA director Michael Mauzy, "probably has a better handle on wastes than any other state."

THIS VIEW SIMPLY may mean other states are in deeper trouble than Illinois, because a six-month investigation found serious flaws in every level of the EPA.

- There aren't enough people to do the job. In the nine-county northern area, which includes Chicago, only 12 inspectors police 500 dumpsites where chemical wastes are disposed.

There is only one scientist to analyze the 1,200 wells that monitor wastes on landfills jacking chemical pollutants. "We can only react to emergency cases and complaints," said Rauf Piskin, an EPA hydrogeologist. "We

This series, "Our Toxic Time Bomb" is the result of six months of investigation throughout Illinois by a team of Sun-Times reporters. The series, highlighting the growing environmental danger of dumping chemical wastes, was reported by Assistant City Editor Pamela Zekman and reporters Harlan Draeger, Claudia Ricci and Terry Shaffer.

don't have enough manpower to monitor the groundwater at every landfill."

- The state EPA labs, considered among the nation's best, lack equipment that can test accurately for chemical pollutants. It will be another year, officials say, before such equipment can be obtained.

"When we get hazardous wastes, we have problems," said Ross Craft, manager of program development for the EPA. "Instead of looking for quantities in parts per million, we have to be looking for quantities in parts per billion."

MEANWHILE, inspectors and attorneys complain that high-priority cases have taken up to five months for analysis. One obstacle is

a "quota system," which limits EPA divisions to a specific number of tests each month.

- The EPA enforcement staff is too small. "Our office has only one attorney," said Kenneth Bechely, an EPA official responsible for policing land pollution in a nine-county area including Chicago. "She can't even handle the important cases, let alone some of these sidelines."

On one occasion, an EPA inspector begged the agency for the help of a lawyer to shut down a Grayslake landfill that continued violating rules after a decade of warning letters. "The failure of the agency to take action," he warned, "is destroying our credibility in this part of the state."

Mauzy defends, poetically, the agency's

enforcement record. "The trail that results from detection of a violation to enforcement is a pretty long trail," he said. "There are many actors in it. You've got to build a case right. If you look, we've got a record of building cases right."

- The EPA is plagued by inadequate funds. Only 10 percent of its 1979 budget of \$25.3 million went to regulate the disposal of hazardous wastes, while the remainder went principally to the air- and water-pollution programs.

THE AGENCY also faces the loss of \$1.4 million in federal funds that would permit the EPA to hire 100 people to regulate chemical-waste disposal. The reason the money may be lost is that the Illinois General Assembly has not written the legislation to meet the requirements of the grant.

"I sure as hell hope there's another way to get the money," said Mauzy, "because we don't have the resources it's going to take to operate this program."

- The EPA is proud of its stringent, comprehensive regulations for controlling the state's 300 licensed haulers of liquid wastes. On paper, the rules are impressive. In practice, they are virtually unenforceable.

A former EPA supervisor says, "The regulations would take an army to enforce." Mauzy, being practical, concedes the enforcement staff is inadequate. His solution is to cut down on some of the regulations.

- The permits required by the EPA for the disposal of chemical wastes produce mind-boggling piles of paper pollution.

A landfill operator must have a permit for every kind of chemical pollutant he accepts. While the EPA isn't shy about demanding permits, many are issued automatically, without inspections.

There was paper work aplenty in the case of a landfill near suburban Hanover Park that was forced to apply for 191 permits.

But all the forms in the EPA's kingdom didn't head off the snafu that now finds the EPA being sued by its own attorney.

In the legal action, the Illinois attorney general charged the EPA with "arbitrarily and unreasonably" approving 178 of the 191 permits, even though the site was not geologically suitable or properly developed for chemical wastes.

The EPA, in effect, was breaking its own laws, the suit charged, by not inspecting the dumpsite to assure it wouldn't threaten the people who lived nearby.

IT ALL SEEMED to start with good intentions. E & E Hauling Inc. of Bloomingdale had signed a contract with the Du Page County Forest Preserve to develop a landfill at the Mallard Lake Recreational Preserve in an unincorporated area near Hanover Park.

The plan was to build a ski slope out of a landfill. E & E would pile solid waste and garbage into a 200-foot "mountain" that, after it was covered by soil, could be used for skiing when it snowed.

The neighbors watching chemical-laden tankers drive to the site started getting nervous. As it turned out, they had good reason.

Subsequent analysis found that E & E filled the mound with 45 million gallons of sludge and liquid chemicals, including cyanide, phenols and mercury—sometimes three times more than permitted by the EPA's guidelines.

Sludge, which often contains dangerous chemicals, is what's left after sewage is processed. Phenols are newly recognized as a dangerous substance. Cyanide and mercury are well-known poisons.

In 1978, the mound ruptured like a polluted volcano, sending a ribbon of toxic lava oozing into the forest preserve.

IT'S NOT THAT officials didn't know a problem was brewing. The forest preserve district warned the EPA in 1977 that soil tests showed chemical liquids might pose a threat to the groundwater and nearby Lake Mallard.

More than 400 homeowners—many of whom anxiously had begun boiling their water—petitioned Gov. Thompson to halt the

Turn to Page 6

Sad saga of state's EPA: 'We can only react . . .'

Continued from Page 5

dumping. Some brought suit, charging the mountain was a danger to their health.

The attorney general acted in 1979 with a lawsuit against E & E, naming also the forest preserve district and EPA director Mauzy. It charged that the EPA "had exceeded its discretion" in issuing the permits. The case is pending.

Thomas Cavanagh Jr., head of the EPA's permit division, said experts hired by the state found the site "clean as a hound's tooth." He insisted the groundwater was not and is not contaminated and that the site remains acceptable for sludge.

• • •

With the EPA's permit section under attack—not only from its own lawyer but a battery of other critics—Cavanagh issued an unusual press release in September.

"Contrary to the popular belief that the agency grants permits in wholesale quantities," Cavanagh said, in seven years the agency rejected 59 percent of all landfill-development applications.

The problem, Cavanagh said in a later interview, is that "nobody wants a site anywhere. We are not popular people here in the EPA—either when we issue, or when we don't issue, permits. Everybody seems to say, 'We don't want sites here. Send the wastes somewhere else.'"

SUNDAY: Barrels of trouble.

40

Sunday Sun-Times

Chicago, November 16, 1980

★★★★★
Final

.75

Thompson declares war on toxic dumps

Reacts to Sun-Times disclosures; Page 7

By Pamela Zekman
and Claudia Ricci

A statewide crackdown on illegal dumping of hazardous wastes, including legislative reforms and a \$1.3 million special unit to build criminal cases against illegal dumpers, was announced Saturday by Gov. Thompson.

Thompson said he was taking the action to correct the situations described in the "truly horrifying stories" detailed in the Sun-Times' continuing series, "Our Toxic Time Bomb."

"It's become apparent to everyone in Illinois through recent press disclosures that we do have a serious problem concerning the disposition of hazardous waste," Thompson said. "Obviously, the problems still exist."

Thompson was joined at a press conference Saturday in the State of Illinois Building by Attorney General Ty Fahner, James B. Zagel, director of the Illinois Department of Law Enforcement and Michael Mauzy, director of the Illinois Environmental Protection Agency.

The \$1.3 million would be spent to buy equipment and staff a new Hazardous Materials Investigative Unit of 25 agents under the Department of Law Enforcement. Zagel said the unit will be functioning by mid-1981 and hiring will not begin until the governor's recently announced 60-day hiring freeze has ended.

of buried wastes.

Thompson and Fahner said their staffs are drafting legislation that would put teeth into existing enforcement regulations and develop new resources to clean up "orphaned sites" where those responsible for illegal dumping cannot be found.

THE LEGISLATION includes proposals that would:

- Allow state EPA employees immediately to set fines up to \$10,000 for dumping violations at licensed landfills. Thompson said this would strongly deter companies like Waste Management Inc. from making "so-called shortcuts" and dumping without first obtaining permits, as the series disclosed.

- "If they [EPA inspectors] have the power to impose fines on the spot, I think we can help deter that kind of conduct at sites which otherwise appear to be well run," Thompson said. He added that such fines would be subject to administrative and judicial review.

- Double the fees for disposing of hazardous chemicals to generate more cash to clean up "orphan sites." Thompson said the current fees of one cent a gallon and \$2.02 a cubic yard of garbage will generate only \$280,000 a year, the amount the Sun-Times reported it would cost to clean up just one site in Byron, Ill.

- Require that generators of hazardous wastes post a bond that would be forfeited and used to help clean up any site where wastes have been illegally dumped. Fahner said such a provision "would make generators more responsible" in selecting waste haulers and disposal sites.

"Their tendency is to just give it to the lowest bidder," Fahner said, "which is all too often the midnight

THE UNIT WILL work closely with Fahner's office. Fahner suggested the cooperative effort "can have a profound effect on the quality of life in this state."

He said extensive use would be made of recent legislation that makes illegal dumping of hazardous wastes a felony violation punishable by one to three years in prison and a fine of up to \$10,000.

Thompson singled out Steve Martell, identified in the series as the state's most notorious illegal dumper, as a candidate for investigation under this statute. Martell has operated under a dozen corporate names used to conceal illegal dumping operations that have grossed over a million dollars a year.

"The profits [of illegal dumping], as the Sun-Times series has disclosed, are immense," Fahner said. "If we can put these people behind bars it will have a much more profound effect than civil suits and fines."

Martell has been sued six times to clean up illegal dump sites. Though he has promised to clean up some and been ordered to clean up others, he has left them behind, still polluted with ponds of chemicals and pits

dumper."

- Licensing the operators of disposal sites. Fahner said such legislation could require that the operators meet certain training qualifications. In addition, he said, their backgrounds would be checked for prior criminal activity and illegal dumping.

"As [the Sun-Times] series pointed out," Fahner said, "they can play paper games and have different people operate the same illegal sites without being detected," he said.

THE REFERENCE was to disclosures that organized crime figures had continued to operate behind the scenes at the Paxton Landfill for 10 years after the city thought it had kicked them out of the business.

Fahner said he would use the hazardous waste disposal problem as leverage in an effort this spring to obtain legislation giving the attorney general the power to convene statewide grand juries.

A statewide grand jury was sought unsuccessfully for 11 years by Fahner's predecessor, William J. Scott.

"This is a perfect issue to demonstrate the need for a statewide

Turn to Page 74



REACTION

Toxic waste crackdown

Continued from Page 7

grand jury," Fahner said. "This problem crosses county lines and our office, with the cooperation of local state's attorneys, would be best equipped to prosecute these kinds of cases."

Fahner said he intended to make the prosecution of such cases a "top priority" of his office. He said he has spent one-third of his time on problems with the disposal of hazardous wastes since he took office this year.

THOMPSON SAID he would also use his influence to give the Illinois Pollution Control Board a "kick in the behind" to draft regulations effecting hazardous waste disposal that have been delayed for years.

Noting disclosures in the series, Thompson said the board has failed to move for three years on regulations regarding the disposal of sludge. As a result, the state EPA has permitted some landfills to accept sludge which is often laced with such hazardous materials as lead, cadmium, cyanide, and polychlorinated biphenyls.

42
The federal EPA has left the determination of whether sludge is a hazardous waste up to the individual states, and the Illinois Board has failed to act on regulations proposed by the EPA three years ago.

"Next week," Thompson said, "we will inquire of the pollution control board why it is taking so long."

ZAGEL SAID THE new Hazardous Materials Investigative Unit would use "traditional criminal investigative techniques" such as surveillances and developing informants to pinpoint illegal dumpers and dump sites.

He said the investigations will be similar to probes of narcotics trafficking and Medicaid fraud in that "we will trace the trail of profit from the generator to the dumpsite."

Zagel added said the unit would probe complex financial, corporate and real estate transactions made to circumvent the law.

The unit will be outfitted with special protective clothing, oxygen masks, video tape equipment and infrared scopes that would enable them to conduct night surveillance of dump sites. In addition, Zagel said he is looking for special equipment used for "aerial surveillances" such as that used to detect illegal crops of narcotics.

Drum people—saints and sinners

Harlan Draeger and Pamela Zekman

Light, 1980, Chicago Sun-Times

t the drum salvagers—a little-known element in the
ous waste puzzle.

y are saints and sinners, part of the nation's chemical
disposal problem and part of the solution.

recycling barrels, they reduce the threat of scattering
al poisons all over the landscape. But drum salvagers
ave provided four of the Chicago area's most vivid
examples of careless waste handling (see stories

year, the nationwide recycling industry reclaims 45

million secondhand 55-gallon drums, far exceeding the 30
million new barrels made each year.

In the process, this \$400 million- to \$500 million-a-year
business handles a large volume of hazardous wastes. Every
incoming drum has some residues requiring disposal. Unscrup-
ulous operators, eager for containers, have pulled away from
factory docks drums full of toxic liquids—their destinations
unknown.

There are about eight legitimate recyclers in the Chicago
area and nearly as many "middlemen" who simply buy and
sell used drums. Typically, the selling price of a reconditioned
barrel is \$10, compared with \$13 for the new product.

Until recently, government agencies largely ignored the role
of such companies in circulating hazardous wastes. Recyclers
didn't fit into a neat bureaucratic category, and it was
assumed they handled "empty" drums.

The need for tighter control finally is being recognized, but
problems remain. Federal officials, poised for a sweeping new
attack on hazardous wastes, still have not defined an "empty"
drum. Some recyclers already are crossing three states to find
a safe disposal site for their wastes.

And, in the words of one industry leader, there still are
"some real bad actors who call themselves reconditioners."
MONDAY: The waste makers.

Calumet Containers —it's no resort

John Jagiella proudly distributes postcard-sized aerial photos of his drum-reconditioning business.

Surrounded by green trees and nearby lakes, it resembles a resort. Up close, however, his Calumet Containers plant is anything but scenic.

The plant, which hugs the Indiana-Illinois border in Hammond, opened in 1962. For at least eight years, the Indiana State Board of Health has been worried about land and water pollution from Calumet's drum wastes.

Not until March, 1979, however, did any government agency take legal action. That's when the Illinois attorney general charged Calumet Containers with polluting Illinois' Powderhorn Lake by dumping wastes at the plant.

Earlier, frustrated Indiana inspectors had filed a string of unfavorable reports about the company. One endless concern involved wastes soaking into the ground from a conveyor belt carrying newly arrived drums into the plant.

YEAR AFTER YEAR, the inspectors would report the sloppy operation—and Jagiella's promises to clean up. Even at the time the Illinois suit was filed, an Indiana inspector wrote: "The area is still a God-awful mess."

Since 1974, Ron Novak, chief of the Hammond Air Pollution Control Department, has pressed Jagiella to clean up incinerator emissions. Two years ago, he focused on Calumet's waste disposal, spurring new action by the state. Later, he fought a cleanup agreement proposed by Indiana authorities, calling the plan too vague.

Jagiella says he's the victim of a "personal vendetta" by one bureaucrat. Novak simply points to his bulging files on Calumet Containers.

"We are satisfied there is no stuff coming onto the ground," said Jagiella, describing a concrete pit for catching drum wastes from the conveyor.

Gary Schneider, a consultant who may buy into the company, adds: "People think we are a chemical waste

A lake, but no resort

Continued from Page 6
dump. No one realizes it's just residue."

BUT EVIDENCE OF land and water pollution has been piling up. Early last year, Calumet hired WAPORA Inc., an environmental consultant, to study its problems. WAPORA found "numerous sources of potential contamination," groundwater within a foot of the surface and high levels of lead and highly toxic selenium in sludge, soil and water samples. Sludge is the product of sewage processing.

Last fall, an Indiana Board of Health chemist reported finding 44.5 parts per million of toxic polychlorinated biphenyls (PCBs) in a soil sample near the sludge pit. "Anything greater than 5, we get very alarmed," he said.

Jagiella's strongest defense is a July, 1979, letter from John McGulre, regional administrator of the U.S. Environmental Protection Agency. McGulre wrote that Calumet "does not represent an imminent and substantial endangerment to health or the environment."

A newly completed \$10,000 groundwater study, jointly funded by Illinois and the federal EPA, may tilt the scale. The report said groundwater from Calumet can migrate to both the Wolf and Powderhorn lakes in Illinois.

Test wells "indicate the presence of contamination in Illinois groundwater," the report says. The study found "elevated levels of phenolics, toluene and xylene, which can be directly correlated to the cleaning operations" at Calumet. Levels of phenols, a cancer-causing agent, in groundwater near the drum conveyor were 10,000 times the Illinois limit.

44
LAST MAY, a Cook County judge ordered Calumet to stop burying drums. Novak had reported that bulldozers were crushing drums, covering them with dirt and allowing wastes to ooze out. Jagiella contends the drums were "empty."

Jagiella says he's financially strapped, with his workforce down from 41 to 12. He blames two uninsured fires and the costs of obeying environmental rules.

Incoming drums are 99 percent empty and residues are hauled to an approved landfill near Rochester, Ind., Jagiella said. But a landfill official says Jagiella delivered wastes there only three times—all after Illinois went to court.

In May of last year, Indiana ordered Jagiella to stop dumping and storing contaminants and to remove all residue and contaminated soil. That order still is being contested in court.



Photo for the Sun-Times by Trinka Sowa

EVIDENCE of pollution is piling up.

ong expressway dump on wheels

every day, tens of thousands of motorists whizzed along the Stevenson Expressway past the A. B. Container Co. near 68th Ave.

When they saw rows of semi-trailers—the trademark of a typical waste transfer terminal. Who'd bother to ask if every trailer faced toward the expressway?

There was a good reason: Piled into the trailers, visible only from the rear, were hundreds of drums overflowing with liquid wastes.

A. B. Container was a chemical company on wheels.

Inspectors for the Illinois Environmental Protection Agency were alerted last April when they discovered the operation—34 truck trailers loaded with an estimated 1,500 drums full of such flammable substances as toluene. Laboratory tests revealed that fumes from some drums were so potent that they'd ignite at 68 degrees Fahrenheit, room temperature.

Several businesses are located only a short distance from the triangular-shaped property owned by Anthony Drobot Sr., 4250 W. Knox.

CHARGED WITH WHAT one official called "a grave fire hazard," the state and attorney general headed for County Circuit Court. The company and four Drobot family members charged with illegally collecting, storing, transporting and disposing of hazardous chemicals.

A temporary restraining order on April 5 immediately shut down the operation.

James Geblen, environmental spe-

A dump on wheels

Continued from Page 6

cialist with the state EPA, said A. B. Container had no permits for what it was doing. Yet there is evidence the company had been collecting waste-laden containers for more than a decade.

Sun-Times reporters visiting the site after the court order found drums full of an array of solvents and other volatile chemicals. Most came from the paint and printing industries. In addition, state inspectors discovered two soil-covered pits where paint and ink wastes had been buried.

The terms of an Aug. 19 court order to the company were clear: Liquids must be pumped from the drums and taken to a refiner. Remaining barrels and wastes that can't be recycled are to go to an approved landfill. Contaminated soil from the two pits also must be scraped up and taken to a landfill.

ANTHONY DROBOT has declined

comment on the situation. Thomas C. Drobot, who managed the business, died last May shortly after the first court order was issued. His sister, Diane, declined to say anything about the company's activities: "There is no more business. It's all cleaned up. It's over, thank God."

She did say that the company had ceased operations before state inspectors arrived last spring, adding: "The stuff was just stored there."

But the label on one drum found by reporters showed it had been shipped as late as April 3 to a company that supplied used drums to Drobot.

Officials still are trying to unravel the exact nature of the long-running operation. Thomas Drobot had a tank-truck license and Illinois EPA waste-hauling permit. There's evidence that some drum-cleaning was done in a small building at the site. But what volume of solvents was collected over the years? And where did the chemicals go?

Still another question is how A. B. Container managed to escape detection for so long before the state was tipped off.

"It is strange that we didn't see it before," said the EPA's Geblen. "But I know why our office didn't. First, we had no complaint. Second, we don't have the personnel."



Sun-Times Photo by Tony Suau

LIQUID WASTE by the truckload.

Amid the drums, danger

Polson's neighbor

'I don't want to die'

For 10 years, Roy C. Clyburn has hauled water from neighbors because his own wells can't be used.

Three times, Clyburn sank shallow wells. But all of them produced water with a such a strong solvent odor it was unfit to drink.

Clyburn and his wife live just north of Cross Brothers, a container-recycling operation in an out-of-the-way corner of Kankakee County.

State officials say the business also has served for some 20 years as a cesspool for industrial wastes from the Chicago area. Now, say the officials, the nearby wells are poisoned.

High levels of toluene, xylene and similar toxic solvents were found in water from the Clyburn wells. Xylene, for example, has been found to cause nerve damage.

James Cross, who owns the container business, denies creating any hazard.

"I don't know why this is a big thing," he told the Sun-Times on a tour of the 10-acre site. "I just rework paint cans."

UNTIL CROSS was raided, Clyburn wasn't overly concerned about his neighbor, whom he calls "a nice fellow." Now Clyburn is worried: "I don't want to die, and I don't want my grandchildren who come around here to die."

Toxic solvents also turned up in an abandoned well on the Robinson brothers' property just north of the Clyburns'. Frank Robinson said that well "hasn't been used for about three years." State inspectors were told the

Turn to Page 74

'I don't want to die'

Continued from Page 6
solvent odors made the water unfit even for livestock.

Discovery of the Cross Brothers operation last July was an eye-opener to state officials: It had operated for two decades with no permit of any kind.

In this case, one trouble spot led to another. Charles Geblen of the state Environmental Protection Agency picked up the trail last April. Twice he spotted a Cross Brothers truck at the A. B. Container Co. in Chicago, where 1,500 drums of wastes were stored illegally.

FLYING OVER the 10-acre Cross site, Geblen saw an estimated 25,000 drums and pails. State inspectors raided the premises with a search warrant July 24.

They found what amounted to a crude chemical dump: large areas of ground soaked with up to 8 inches of wastes. Full and partly full drums holding gooey, multicolored gunk and highly flammable substances. Strong solvent odors permeated the place.

Worst of all, the business sits on a layer of sandy soil 40 to 75 feet deep. "Pollutants spilled on the surface could readily migrate through the sand" to contaminate underground water, warned a state geologist.

Surveying the illegal operation, the Illinois attorney general's office called it "the biggest of this type ever found in Illinois."

Cross says that he reclaims 3- and 5-gallon paint pails by burning out residues. He sells them for about 50 cents apiece after the dents are removed and the pails have been polished, washed and painted.

He contends that these pails, and not 55-gallon drums, were what state inspectors first saw in their flight. However, a later inventory turned up 350 burnt, rusty 55-gallon drums holding charred wastes. Cross says the drums are left from a fire in 1978.

His Chicago attorney, Richard Vaughns, says: "We are not dealing in industrial waste. They were not dumping on the ground. It was just spillage generated in the ordinary course of business."

NEIGHBORS AND former Cross employees tell a different story. One ex-

worker related how Cross stacked pails and burned out the residues, using "thinner" transported in drums from Chicago: "He throws the stuff from the drums over the pails and lights it."

Others confirmed the practice.

Under a court order, Cross must take to an approved disposal site all industrial wastes, waste-bearing containers and contaminated soil.

But the full story still is unfolding: Using metal detectors, state inspectors discovered buried drums. Cross has agreed to pinpoint about 10 trenches full of buried drums if the evidence is not used against him later.

Cross has not identified his drum sources nor responded to a court order to turn over his business records. He told the Sun-Times the containers were obtained "mostly in Chicago" but denied knowing the owners of A. B. Container.

Lawyer Vaughns says that Cross Brothers operated for 15 to 20 years without a permit for one reason: "They really didn't know they had to have



Sun-Times Photo by John H. White

JAMES CROSS at Kankakee County site.

Drums (and danger) go up for grabs

For a "vacant" lot, the property at 1446 W. Grand attracts a lot of nighttime activity.

Neighbors watch as people stop, pick bricks from the remains of a demolished building and drive off. Even police in squad cars join the act.

But that isn't all: The visitors also help themselves to some of the more than 300 old drums on the site—drums filled with unknown chemical wastes.

"If they need a barrel, they kick one over," said Joseph Douglas, who has lived two doors away from the lot for all his 35 years. "Where are you going to go for garbage cans?"

The orphaned drums are all that's left of the defunct Nelson Brothers Drum Co., where two buildings were demolished last summer.

They also are an example of the haphazard way in which potentially dangerous wastes are scattered around the Chicago area—and often ignored.



Sun-Times Photo by Tony Suau

NELSEN BROTHERS, founded in 1898 as a cooperage shop, became a recycler of metal drums when wooden barrels became obsolete. For more than half a century, owner Frank Jarski operated without causing much of a stir in the neighborhood.

"They never bothered us," said John Guerrieri, 71, of 1431 W. Grand, a longtime resident. "Half the time, you didn't know they were there."

Then the trouble started. Jarski died about three years ago. In the Blizzard of '79, the roof of one building collapsed. Jarski's widow ran the business until she died last February. Soon afterward, it closed for good.

For almost half a year afterward, one of the buildings held a secret: Its blue metal walls hid a bulging storehouse of drums overflowing with wastes.

In the scavenger trade, the word got around that drums holding "hot" chemical waste were looking for a home. No one would touch them.

Sun-Times reporters who peeked inside the building last August found a

Turn to Page 74

Peril up for grabs

Continued from Page 6

mass of full barrels giving off strong, stifling fumes. Many had overflowed, leaking onto the dirt floor. Drum labels from scores of original manufacturers identified such hazardous substances as trichloroethane. Next door, where the roof had collapsed, empty drums were scattered like children's toys.

CITY OFFICIALS had insisted that the buildings be torn down if the roof weren't repaired. Jarski's crippled son, Frank Jr., signed a contract to sell the property to a neighboring business. The prospective buyer obtained a demolition permit on Aug. 21, hired a wrecker and razed both buildings.

Robert Cole, of 1441 W. Grand, said he was worried about chemical fumes while the plant was running. But his anxiety increased after it shut down: "I thought for sure it was going to be torched. If it ever did catch fire, it would be a big one."

With the building torn down, the barrels were in full view. The Fire Department got a complaint and called the Chicago District.

"We found drums punctured by forklifts, and a lot had spilled over," said Stanley Whitebloom, industrial-waste coordinator for the district.

Whitebloom sent the case to the city's Environmental Services unit. The owner received a citation for illegal waste dumping. Last month, a judge gave the owner until Dec. 2 to remove and properly dispose of drums that had been sitting in the open for two months.

"Right now, those drums cannot be touched until they get the proper permits and analysis," said Don B. Gallay, director of engineering services for the city environmental section. "It's a potential hazard until you know what it is."

ATTORNEY Alfred B. Teton, representing the owner, said the wrecker had hired a qualified laboratory to run tests on the drum contents. He said the wrecker, Archer Demolition Corp., notified him last week that the results showed the materials were "not flammable or toxic."

Gallay said this is "unacceptable" and he'll insist on certified test results from all 300 drums. But none of this eases the neighbors' worries.

"What's going to happen to this stuff?" asked Joe Douglas, who has two small daughters. "If the barrels were open, the rains soaked it down into the ground. This worries the hell out of me now."

48

**Toxic peril
at 8,000
dump sites**

Part 8, Page 4

Cold

Partly sunny with a
high in the low 40s. De-
tails on Page 81.

Sun-Times

☆☆ Chicago, Monday, November 17, 1980

Chicago Sun-Times, Monday, November 17, 1980



A MOUNTAIN of asbestos debris marks the 180-acre Johns-Manville Co. plant site on the shores of Lake Michigan in Waukegan. (Sun-Times Photo by John H. White)

Growing piles of poison worry state

is advice doesn't ways end problem

by Claudia Ricci
and Harlan Draeger

Bill Petrich is listed by a federal agency as one man in Illinois who can find a place for dangerous waste, but his own records show he has routed millions of gallons of chemicals to unlicensed sites.

Petrich operates a company called the Environmental Clearing House Organization, which advises companies where to send wastes and operators how to run their dumps. HCO, as the clearinghouse is known, even is listed as a waste exchange in a recent brochure put out by the U.S. Environmental Protection Agency.

But look how some of Petrich's advice has worked out:

In December, 1978, he suggested that poison-filled drums be moved from Hammond to a site in Chicago, where special equipment at the U.S. Drum Disposal Co. would be used to neutralize the poison. Three months later, EPA inspectors found nothing more at the Chicago site than thousands of crushed and leaking barrels. The EPA filed suit, charging the site was an illegal dump.

Petrich admits the site never had the proper equipment, adding that all he was hired to do was to give "my best technical point of view."

In August, 1979, he proposed to clean up the U.S. Drum site by sending the barrels to a "newly developed" facility in Indiana called Synthetic Energy Products of America. He indicated special equipment was available at 9th and Cline in Gary to incinerate the waste properly. Indiana inspectors found another vacant lot.

Petrich's defense: "All I did was make recommendations."

U.S. Drum is owned by Steve Martell, a repeat violator targeted by state EPA agents as the man they'd most like to put out of the waste-disposal business. Martell, who also operates the notorious Paxton Landfill Corp. on Chicago's South Side, has been advised by Petrich since 1977.

Records show that Petrich told waste gen-

erators during six months in 1977 and 1978 that they could dump millions of gallons of liquids at Paxton even though the dump wasn't permitted to accept any liquid wastes. The EPA was suing the dump for accepting other liquid wastes at the time the chemicals were deposited.

Petrich says the lack of a permit was a "technicality."

Long before most people realized the danger of unwanted chemicals, Petrich completed the first state-funded survey of the problem. He then helped draft the regulations to license waste haulers.

Petrich formed his clearinghouse in 1976, which he continues to operate from his home in Hazel Crest. In the first year of operation, Petrich said he steered to dumps about 15 percent of the waste generated in the state.

Today, he's offering his advice to an even wider audience. He has joined the Midwest Waste Exchange to share information with other waste brokers in Iowa and Missouri.

And he's a director of a 2-year-old outfit with global goals. It's called WASTE—the World Association of Solid Waste Transfer and Exchange.



BILL PETRICH, consultant on dangerous wastes: "All I did was make recommendations." (Sun-Times Photo by Gene Pesek).

by Terry Shaffer
and Pamela Zekman

A mountain of asbestos has been building up for 55 years just 100 yards from the shore of Lake Michigan at the Johns-Manville Co. plant in Waukegan.

For years, it has been worrying environmental inspectors who envision the stuff seeping into the soil and eventually finding its way into the lake.

So far, say the thankful officials, there hasn't been any sign of contamination from asbestos or the lagoons of mysterious holes that share the 180-acre site.

Ironically, the folks at the state Environmental Protection Agency have another reason to be thankful. At least they know about the potential hazard.

What really worries them is the estimated 100 factory sites in the state where companies pile the poisonous by-products of production with scarcely a second thought. And let it sit.

Millions of tons of toxic wastes," says a recent congressional report, "are disposed of

EIGHTH IN A SERIES



each year in an environmentally unsound manner resulting in what has been aptly labeled 'ticking time bombs.'"

It is estimated that 58 percent of the hazardous waste in Illinois lies undetected on industrial sites, according to Thomas E.

Cavanagh Jr. of the EPA's land pollution-control division. That amounts to more than 7 million tons each year of undocumented waste.

Even most of the companies known to be generating wastes aren't properly supervised. Of an estimated 21,000 companies operating in the state, says Cavanagh, "fewer than 1 percent" hold EPA permits for hazardous waste disposal.

THE EPA ESTIMATES that Illinois plants annually store, dump, burn or pump down in wells some 2,566 tons of cyanide and other dangerous metal compounds, 138 tons of asbestos, 23 tons of polychlorinated biphenyls (PCBs) and 21 tons of pesticides.

Cyanide and other heavy metals can be lethal in large concentrations. Asbestos can cause cancer or fatal lung disease. Pesticides and PCBs have been associated with cancer.

Not all of the dangerous industrial wastes are stashed illegally. Some approved disposal procedures are as frightening as the unlawful ones.

The latest wrinkle in eliminating unwanted waste, for example, is to force-feed it thousands of feet into the earth with high-pressure pumps. Since the first "deep-injection" well opened in Illinois in 1965, more

than 2 billion gallons of acids, corrosives, alkaline solutions and pesticide residues have been shot into nine wells on seven sites.

The waste is injected into a thick layer of porous rock that experts believe will hold the chemicals safely. The porous rock is shielded from above and below by layers of non-permeable rock to prevent the chemicals from traveling over time to any nearby ground-water supplies.

Tests on existing wells have indicated that chemicals haven't spread horizontally from the point of injection by more than 1,000 feet.

Pumping the earth full of acid and other hazardous liquids may sound like shady business, but the wells are approved and operate under state permits.

The state's oldest waste well is one of many operated by Velsicol Chemical Co. in Mazon, Ill., in Clark County near the Indiana state line.

The well, which works today only as a backup to a second well built in 1972, was used to dispose of water used to clean equipment for manufacturing Chlordane, a pesticide so toxic it now is limited to special uses. The newer well is used to dispose of Chlordane-contaminated water and other corrosive wastes.

JACK RADEMÄCHER, a former official of the federal EPA who now works for Velsicol, says he is confident the nearby groundwater is safe. "Nothing," he said, "runs off that property."

Owing to the hospitable geology of the area, there are three wells in Tuscola, south of Champaign, in Douglas County. Two are operated by the Cabot Corp. and one is run by the U.S. Industrial Corp. All three shoot acids into the earth.

The Natural Gas Pipeline Co. of America, a

unit of Chicago's Peoples Energy Corp., operates two wells. Its well at Herscher, southwest of Kankakee, disposes of dissolved chemicals and its well at St. Elmo, in southern Illinois' Fayette County, pumps chlorides and sulfates.

Rounding out the list are a well in Hennepin, in north-central Illinois, which accepts acids, and a well in Danville, which takes corrosives, acids and a high-chloride solution. The Hennepin well is operated by Jones & Laughlin Steel Co. and the Danville well is run by Allied Chemical Co.

A key concern in constructing these wells is the danger of earthquakes. A quake, after all, could break the shield of non-porous rock and send the chemicals flowing to who-knows-where.

Officials say they allow the wells only in areas known to be geologically sound. But there are questions about the effects of the wells themselves on the innards of the earth.

State EPA hydrogeologist Raul Piskin notes, for example, a 1970 report on the deep well at the Rocky Mountain Arsenal in Derby, Colo. The report says the well may have "stimulated" the frequency of earthquakes there over a period of time.

PRESSED IN A recent interview for his view of the safety of injection wells, Piskin replied: "Let me say it this way. We encourage a generator to exhaust every other possible method of waste disposal before we issue a permit for a deep well."

52

Growing piles of poison worrying state officials

Continued from Page 4

rate relations for the company. "So, it's hard to say what might be in there."

It's certain, however, that asbestos is there—in both the lagoons and the 50-foot mountain. But Amarino says there's no danger from the substance, which has been linked to all manner of lung diseases, including cancer.

It's "locked in and cannot leave company property," he says, explaining that the company processes the fibrous substance to keep it from blowing through the air.

While state environmental inspectors know full well the dangers that lurk in many industrial backyards, the perpetual understaffing of the state EPA snares officials in a Catch-22 situation.

The law says the generator of waste must apply for a permit to store or dispose of hazardous wastes. Because there's no army of inspectors to look for violators, the permits generally go only to the companies volunteering for them. What violator is going to go looking for trouble by seeking a permit?

BUT LOOK WHAT has happened to one company trying to avoid trouble by getting a disposal permit.

For nearly a year, Black Leaf Products Co., of Elgin, has been sitting on a lethal stockpile of 2,4,5-T Silvex, a defoliant similar to the Agent Orange used in Vietnam.

The company didn't make the chemical. It only put it into little bottles for retail sale.

But it was ordered to recall the product when the federal EPA decided the chemical was too dangerous to stay on the market.

Now that Black Leaf has complied, the federal EPA won't issue the special permits the company needs to dispose of the chemical. For the moment, apparently, it doesn't matter. No one can come up with a place to send it.

"Who is the bad guy if it leaks?" asks a Black Leaf executive, "Or if we have a fire?"

And then there are the companies that don't care what becomes of the waste they make—as long as they're not caught holding the bag or the barrel.

Many companies flush their waste into the sewers. "Everything they use there goes down the drain," said a long-time employee of a Chicago metal-processing plants. "I wonder why it doesn't kill the fish."

CYANIDE, CADMIUM, solvents, PCBs and other chemicals aren't removed during sewage treatment. They're left in the sludge that remains when processing is finished. And the sludge is spread in farms and landfills.

The companies that can't pour their junk down a drain hire haulers to take the chemicals off their hands. They figure the haulers are paid to worry about where the stuff is dumped.

"It's out of sight," shrugged one frustrated EPA inspector. "And out of mind."

TUESDAY: Heel-dragging in Washington.

Some manufacturers haven't found sensible ways to get rid of the chemical junk they generate. So, they just dump the stuff in man-made lagoons at the plant, hoping someone will come up with a way to get rid of it.

Allied Chemical has five lagoons of acid sludge at its plant in Downstate Metropolis, where it makes uranium hexafluoride for nuclear-reactor cores. Officials of the company know they have a problem at this plant on the Ohio River near Paducah, Ky.

"Obviously," said Dennis L. Hatfield, the company's regional environmental manager, "we can't keep building lagoons."

Hatfield says the company has taken some pains to protect the public. There's no danger the sludge will leak, he says, because the lagoons are "rubber-lined, under-drained, fully-inspected and equipped with leak detectors."

Unfortunately, all lagoons don't benefit from such hyphenated technology.

There was a leak last year at a pond holding hydrochloric acid awaiting injection into the ground at Allied's plant in Danville, according to a report of the federal EPA.

Tests from monitoring wells near the lagoon found that nearby groundwater had been contaminated by fluoride, chloride, sulfate and some metals. The lagoon was closed a few months ago and Allied contends a layer of dense clay kept the pollution on the plant site.

AT LEAST Allied Chemical knew the contents of its lagoons.

The seven lagoons sharing the yard with the asbestos mountain at the Johns-Manville plant in Waukegan are nothing more than holes in the ground filled with mystery.

"The plant is about 56 years old and, over the years, various kinds of products went in there," said Neal Amarino, director of corporate

Turn to Page 20

53

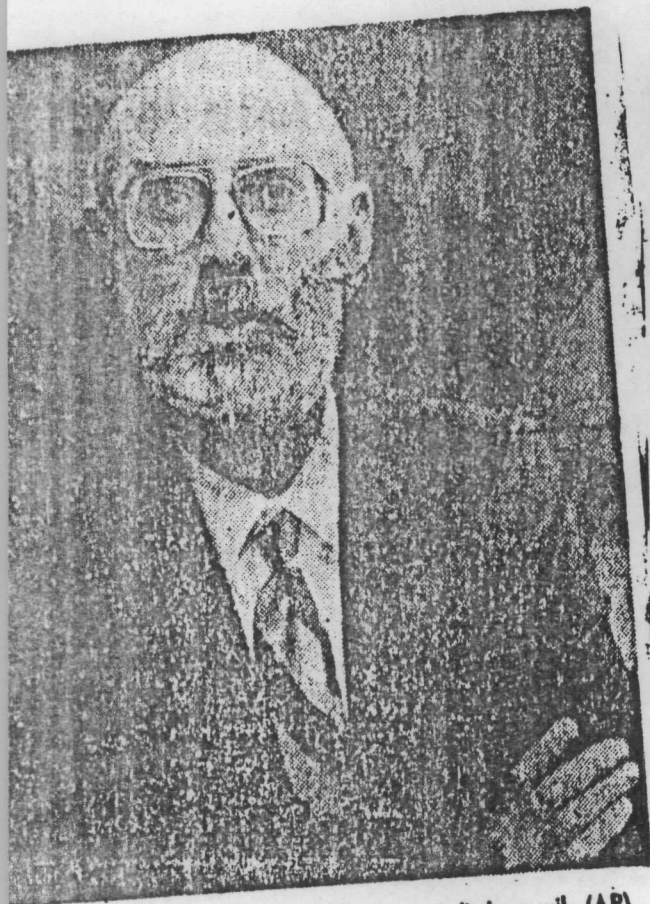
Sun-Times

Chicago, Tuesday, November 18, 1980

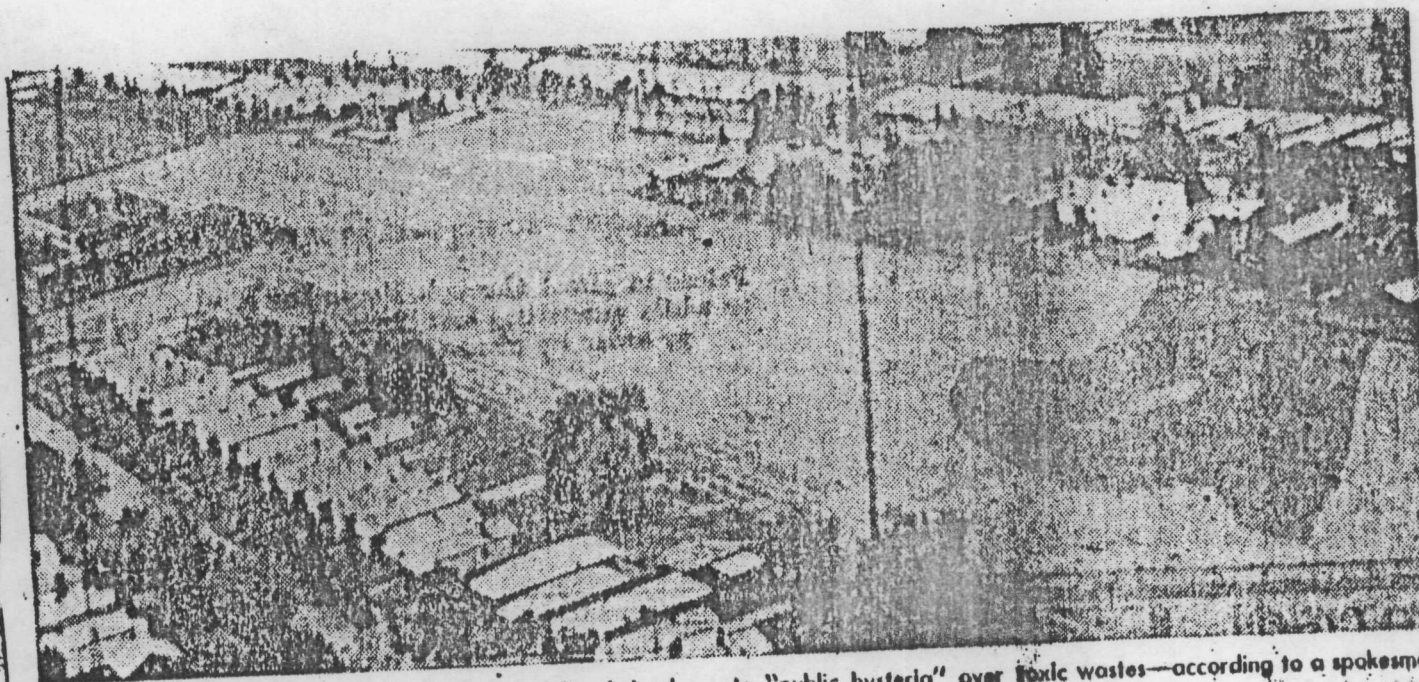
city/suburbs

Chicago Sun-Times, Tuesday, November 18, 1980

PA rules: no more Love Canals?



WILLIAM SANJOUR blew the whistle—to little avail. (AP)



LOVE CANAL chemical waste dump: The canal has helped create "public hysteria" over toxic wastes—according to a spokesman for a trade association of waste-management companies. (UPI)

o little and too late."

familiar words come from an environmental leader, bing the federal government's attack on hazardous ed on the record, he's close to the mark. scope and volume of paper work, the program is ing but small. Already, it has generated more than 2,000 of complex rules. The estimated cost for industry to ly is more than \$500 million a year.

there's little reason to expect that the U.S. Environmen-
rotection Agency, which starts enforcing its first rules

Wednesday, can produce a timely, ef-
fective solution for the toxic waste
crisis. Here's why:

- Long delays already have slowed the federal machinery to a crawl. Four years after Congress acted, only half of the rules are in place.
- EPA officials concede that, in prac- tice, it may take another decade before they can bring the chemical-waste threat under control.
- Critics, including some within the

ment, contend that the new federal rules are full of
ng holes.

ch practical difficulties as a shortage of safe disposal sites
te serious obstacles. So does the fact that most states are
repared to take over enforcement of the federal program,
ongress intended.

ncertainty clouds the program because the incoming
gan administration is pledged to trim regulations covering
istry.

OF A SERIES



**OUR TOXIC
TIME BOMB**

NONE OF THIS ENCOURAGES citizens of Illinois, where a
Sun-Times series has documented a sorry history of reckless,
illegal waste dumping.

Congress created the framework for controlling hazardous
wastes by passing the Resource Conservation and Recovery
Act of 1976. EPA Administrator Douglas M. Costle put the
issue at the top of his priority list.

But EPA's failure to develop a comprehensive program for
safe disposal of wastes in four years scarcely reflects the
urgency of the problem.

The federal agency defied Congress by missing every
statutory deadline for proposing and carrying out the pro-
gram. It would be even further behind schedule if environ-
mental groups and the Illinois attorney general had not sued
the agency for flouting the 1976 law.

Worse yet, says a top EPA official, the rules going into
effect Wednesday won't prevent another Love Canal toxic-
waste disaster. William Sanjour, chief of toxic-waste imple-
mentation for the agency, said the rules are too riddled with
loopholes.

"It's possible for waste to contain any amount of rat poison,
bubonic plague, nerve gas and dioxin, the most deadly
compound created by man, and yet not be classified as
hazardous," he said.

For two years, Sanjour has been blowing the whistle on his
superiors, to no avail. He contends that they yielded to
pressure from an inflation-conscious White House by drasti-
cally reducing the scope of the program in June, 1978.

"I was being told to castrate my own child," said Sanjour,
then in charge of writing the rules. "So I became very
uncooperative."

Sanjour was transferred to a "meaningless job" for a year
while the proposed regulations were reviewed and redrafted.

EPA WAS SUPPOSED TO have all the machinery in

operation by October, 1978. On the heels of the cutback, top
EPA officials decided to work in two stages.

The result is that the nation, after waiting two years longer
than Congress intended, now will have to settle for half a
program called "Phase I."

Costle has heralded Phase I as the start of "cradle-to-grave"
control over 57 million tons of hazardous wastes produced
each year. It puts the hazardous label on about 360 toxic
chemicals and 80 industrial wastes. Factories and other waste
generators are required to test unlisted wastes to determine
whether they are toxic, flammable, corrosive or violently
reactive.

The first-stage plan sets up a national waste-tracking
system, with a "manifest" following every hazardous waste
shipment. Companies treating or disposing of hazardous
wastes must obtain permits to operate.

But Sanjour and other EPA insiders, who declined to be
named, are distressed about important areas that Phase I does
not cover. Their list includes several pesticide wastes, radioac-
tive wastes and asbestos, a known cancer-causing agent.

SANJOUR SAID TESTS for toxicity were limited to only
six pesticides and eight heavy metals, although the EPA staff
had cited 4,000 chemicals that could make a waste material
hazardous.

Contrary to the intent of Congress, there are no require-
ments for testing the potential of wastes to cause cancer, birth
defects or genetic mutations.

One serious shortcoming of the Phase I rules is a lack of de-
sign or performance standards for landfills and other waste-
management facilities.

Sanjour calls the rules heavy on procedural requirements

and light on technical standards. Missing, he says, are strict
guidelines to cover the burning of wastes, volatility and
leaching of wastes into groundwater.

Such gaps are criticized both by environmental groups and
the National Solid Wastes Management Association, which
joined the lawsuit against EPA.

"We'd like the EPA to set at least basic minimum standards,
and so would the industry," said Bill Butler, attorney for the
Environmental Defense Fund. "We want to protect people's
water supplies. They want to ensure that some sites get
permits."

Richard Hanneman, spokesman for the trade association,
said Love Canal and similar discoveries have created "public
hysteria" over toxic wastes. He thinks waste handlers stand a
better chance of overcoming tough local opposition to new
facilities by showing they will meet federal standards.

EPA's stock reply to critics of Phase I has been: "Wait for Phase II." The agency was given until this fall to come up with Phase II, including technical standards. EPA recently interpreted this to be the last day of fall—Dec. 21.

Steffen Plehn, head of EPA's solid-waste office, concedes that the agency once again will produce just half a loaf.

Plehn said standards will be proposed for incinerators and treatment facilities. But nothing will be proposed this time around for landfills and lagoons, which receive most of the nation's hazardous wastes, he said. Instead of requiring precise standards for lagoons, EPA is leaning toward setting few, if any, specific guidelines.



"That's a 180-degree turnabout," grouched Hanneman, saying it allows state and local officials to set standards case by case. Butler predicted "complete chaos."

In Senate hearings, Plehn answered comments that EPA's 13,000 personnel could do a better job by citing the regulatory "hoops" it must go through.

Hoops or not, Sanjour says the problems date back to a meeting June 12, 1978, between Thomas Jorling, an assistant EPA administrator, and

his boss, John P. Lehman. Lehman's notes show Jorling saying, "Don't take on oil and gas industry at outset. Split out the other biggies."

The upshot was that certain wastes produced by oil and gas drillers and electric utilities received virtual exemptions. Several key tests for chemical hazards also were dropped from the regulations.

Lehman said EPA did not buckle under industry pressure and simply is trying to produce "a pragmatic program that will work."

Jorling, now a Williams College professor, denied that the rules were trimmed because of President Carter's campaign against inflation. Instead, he says the hazardous-waste program was hampered by a lack of money and manpower and the "chilling effect" of rising sentiment against regulations.

PRESIDENT-ELECT REAGAN picked up that sentiment as a campaign theme, and his aides already are talking about a one-year moratorium on new regulations.

But the most discouraging news is that hazardous wastes will remain a threat for years under any circumstances. Phase I allows existing waste facilities to continue operating until permits are processed. The trouble is that no action can be taken on permits until standards are established.

It could take five to 10 years to review permits for 30,000 estimated hazardous waste sites—plus two to six years to deny a permit.

Meanwhile, said Butler, of the Environmental Defense Fund, "Midnight dumpers will have a field day."

Commented EPA's Plehn: "It's going to be several years before we have this hazardous-waste problem under control. If it's by 1990, we will have done well."

53

Sun-Times

Chicago, Wednesday, November 19, 1980

Toxic dump cleanup bill cleared for Senate action

From Sun-Times Wires

WASHINGTON—The Senate Finance Committee cleared the bill Tuesday for Senate action on a multibillion-dollar bill to clean up toxic chemical dumps.

The committee voted unanimously to send a \$4.2 billion superfund bill to the floor for consideration, possibly early next week.

The bill goes to the floor without a recommendation, however, and senators said they expect a scaled-down version to actually be the focus of debate.

Although the Finance Committee made no changes in the bill, Chairman Russell B. Long (D-La.) said negotiations between the Democratic and Republican leadership would be essential if the bill is to pass.

In forwarding the measure without a recommendation, committee members said they did not want the panel to appear responsible for killing the bill in the closing days of the 96th Congress.

However, Long said the committee vote was justified by the need for quick action.

• *Stem seeping poison; an editorial, Page 63.*

The bill is intended to face the problems of toxic chemicals seeping into the environment. It was prompted by environmental disasters such as Love Canal, the New York neighborhood that discovered it was built atop an abandoned chemical dump that was slowly poisoning its residents.

Similar problems have been found across the nation since then, and the surgeon general has warned that the problem of toxic chemicals will pose a major public health concern through the next decade.

The bill is the most ambitious of four "superfund" proposals pending in Congress. The House already has approved two bills, one establishing a \$1.2 billion fund for abandoned chemical dumps and one setting up two funds totaling \$750

million to cover oil and chemical spills.

The fourth proposal was unveiled Tuesday morning, a compromise drafted by the chairman and ranking minority member of the Senate Environment and Public Works Committee—Senators Jennings Randolph (D-W. Va.) and Robert Stafford (R-Vt.)—it would establish a \$2.7 billion superfund striking a balance between the House and Senate version.

That bill was still in rough form Tuesday morning, and the Finance Committee could not examine its details. But it is expected to become the main bill before the Senate.

Paul Fadel, an aide to the Senate Environment Committee, said Finance Committee lawyers are working on the language in the compromise, including the critical question of how much of the fund would come from taxes on the chemical industry.

The original Senate version would put 88 percent of the cost on the industry, while the House version puts the industry share at 75 percent.

An independent newspaper, dedicated to championing individual freedom, to exposing abuse of the public trust and to fostering a healthy environment, a sound economy and a just society.

Stem seeping poison

For more than a week, Sun-Times readers have been confronted with a frightening fact: poisonous chemical wastes bubbling up out of their makeshift burial grounds all around the state—and into where?

Supplies of drinking water. Children's playgrounds. Rivers and streams where people fish and swim, unaware of the peril.

All these and more, as our investigative team's Toxic Time Bomb series revealed. The potential victim is you. And the culprits?

- Uncaring, unaware or unscrupulous dump operators, turning a quick buck while endangering their neighbors' health and safety.
- Repeat polluters, some with ties to organized crime, flouting disposal laws again and again through fancy legal footwork.
- State and local officials hobbled by insufficient investigative funds—or apparent indifference to the health threat.
- Even supposedly "clean" disposal services playing fast and loose with waste-management laws—and relying on revolving-door personnel arrangements with agencies that are their official watchdogs.

Fortunately, Gov. Thompson, Attorney General Ty Fahner and Law Enforcement Director James B. Zagel have promised swift response, ranging from a special \$1.3 million anti-pollution unit to a vow of tough criminal action against the worst violators.

One of Fahner's plans deserves especially quick response from the Legislature: a



whose crimes often cross county lines. Such investigative panels had long been the goal of Fahner's predecessor, William J. Scott; our reporters' revelations show the need for a special grand jury before it's too late.

Officials also must ask why the state Environmental Protection Agency has allowed so many dumpers to go unpunished so long—10 years in one case uncovered in our series.

Illinois has the largest number of "covered" chemical dumps in the nation, but the problem hardly ends here. As we said months ago, there's need for a strong federal environmental superfund to pay for remedial action once dangerous dumps are spotted.

There is fear that the incoming Reagan administration and its pro-business allies in the Senate lack sensitivity to such environmental questions. There even seems to be pressure to stall the superfund vote that had been expected this fall in the Senate.

The Toxic Time Bomb stories—plus those from New York's Love Canal, plus polluted wells in Massachusetts and Tennessee, plus the 3,000 hazardous-substance spills reported nationwide every year—show the need for a comprehensive national plan along the lines of the \$4 billion fund that has been proposed.

The cost is high, though three-fourths would be borne by the chemical industry. Yet the risks of inaction are higher. A Library of Congress report this year said the 43,000 chemicals in commercial production are "so long-lasting and so pervasive . . . that virtually the entire human population . . . carries some body burden of one or several of them."

Without heightened awareness and effective action, both statewide and nationally, that deadly bomb keeps right on ticking.